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(PART I—QUESTIONS AND ANSWERS)

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1950

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The House met at a Quarter to Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

COMMUNIST INFILTRATION IN ASSAM

*577. **Shri Sidhva:** (a) Will the Minister of **Home Affairs** be pleased to state whether it is a fact that some communists have infiltrated from Burma across Indian border in Assam?

(b) Has there been any incidents of Indian nationals being killed on this border?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). As far as I am aware no infiltration has taken place nor has any such incident been reported.

PREFABRICATED HOUSES

*578. **Shri Sidhva:** (a) Will the Minister of **Health** be pleased to refer to the answer given to my Starred Question No. 57 on 29th November 1949 that houses would be allotted on certain priorities, and state whether Government have set apart plots for the erection of prefabricated houses?

(b) If so, in which localities and what are the terms and conditions for obtaining such plots?

(c) How many such plots have Government reserved for the five priorities?

(d) What is the rate fixed for such plots?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (c). No final decision in regard to the reservation of plots of land can be taken until the manufacture of the Factory Houses has started and the volume of applications received has been considered.

The further delay in production is greatly regretted. As has been stated on a previous occasion slowness in deliveries of machinery both from Indian manufacturers and abroad is in the main responsible for the delay.

(b) and (d). The areas at present contemplated are the neighbourhood of the Factory Road and portions of the Shadipur (Patel Nagar) to be developed

by the Delhi Improvement Trust, certain areas covered by the Kilokri, Jangpura and Nizamuddin schemes of the Ministry of Rehabilitation and a portion of the proposed Diplomatic Enclave. The terms and conditions of allotment of plots will be laid down by the authorities concerned, namely, the Chief Commissioner, Delhi, the Delhi Improvement Trust and the Ministry of Rehabilitation.

Shri Sidhva: The hon. Minister stated that the delay was due to shipments from manufacturing concerns having been delayed. May I know what part of the machinery has still not arrived and how long it will take to arrive in India?

Rajkumari Amrit Kaur: Actually a certain part of the machinery has begun working. For example, the boilers began working last Sunday, which is of course a tremendous step forward. A certain amount of machinery has now been put on the ships and will be here in three weeks time and I hope that that will enable us to start fairly soon.

Shri Sidhva: Now that the boilers have started working, even if this machinery which is expected to arrive in three weeks time does not come, am I to understand that the houses will be ready by that time?

Rajkumari Amrit Kaur: No, because a certain amount of aluminium that is required for the houses has yet to come and that will not be here for another three weeks or so, that is to say it will not arrive at the ports in India till then and it will take a little more time to come up here.

Shri Sidhva: Am I to understand that there is no reply as far as production is concerned? The hon. Minister said last time that it was hoped that the factory would be able to start production in 1950. Can the House have some idea as to when actually the process of production will commence?

Rajkumari Amrit Kaur: It is very difficult for me to say when actually production will begin but I am hoping that by April we shall be able to start some production.

Shri T. T. Krishnamachari: May I know when the erection of this factory commenced?

Rajkumari Amrit Kaur: The factory really began to be erected only in May 1949.

Shri Sidhva: Has the construction work of the building been completed?

Rajkumari Amrit Kaur: A very great deal has been completed.

Dr. V. Subramaniam: What sort of aluminium is required? Will it be imported or utilised from aluminium available in India itself?

Rajkumari Amrit Kaur: As much as we can get from India will of course be taken but a great deal of it has to be imported. As a matter of fact since the devaluation of the rupee the prices of aluminium have gone up very high and therefore we now hope very shortly to eliminate aluminium altogether and make our roofs of foamed concrete instead.

Shri Kamath: What is the present estimate of the price at which a prefabricated house is to be sold and what was the original estimate?

Rajkumari Amrit Kaur: The original estimate was hoped to be in the neighbourhood of Rs. 2,500 to 3,000 but with the increased cost of aluminium the present price is expected to be in the neighbourhood of Rs. 4,000.

Shri Kamath: Is it not a fact that when the housing factory was set up in Delhi, it was expected to produce cheaper houses than cement and mortar houses and now the price is much higher?

Mr. Speaker: Order, order. That is only an argument.

Shri Kamath: I want to know if it is not a fact.....

Mr. Speaker: Next question.

INDIAN AIR FORCE SCHOOL AT JALAHALLI

*579. **Shri Sidhva:** (a) Will the Minister of **Defence** be pleased to state whether it is a fact that the Indian Air Force have opened a new school at Jalahalli to train airmen in signals and radar techniques?

(b) How many men have joined this school and whether this school is different from the training school at Tambaram, Madras?

(c) If so, what is the object of the new school and what will be the cost of the new school?

The Minister of Defence (Sardar Baldev Singh): (a) Yes.

(b) and (c). 619 trainees have joined the school up to the 14th January 1950. This school is now distinct from the school at Tambaram which no longer gives the training imparted at this new school. The reorganisation was made to avoid the congestion at Tambaram. The school is estimated to cost roughly Rs. 14·75 lakhs per annum.

Shri Sidhva: What is the total capacity for training in this school?

Sardar Baldev Singh: As I have stated 619 trainees have joined the school up to 14th January 1950. I could not give straightaway the total number of trainees that can be admitted but I believe that 619 is more or less the maximum number.

Shri Sidhva: May I know whether any admissions have been refused for want of accommodation?

Sardar Baldev Singh: If admissions have been refused, certainly it follows that 619 is the maximum number that can be taken.

Shri Sidhva: Is it not a fact that in his opening speech the Commander-in-Chief stated that the capacity of the school is 1,500 men to be trained? Is it correct?

Sardar Baldev Singh: I cannot say what the Commander-in-Chief said but the maximum number, as I have said, is what I have given in reply to the question.

Shri Sidhva: That is for the actual trainees. I wanted to know what is the total capacity, because the Commander-in-Chief had stated that 1,500 is the capacity. If the hon. Minister has no information, will he obtain it and give it to the House?

Sardar Baldev Singh: I can get the information.

Shri Sidhva: May I know whether the staff is composed of only Indians in the School or there are foreigners also?

Sardar Baldev Singh: May I just correct the hon. Member? I have got the information here. The provision has been for the training of 1,442 persons in

different trades. But we have not got arrangements to give training in certain trades. For such students as have to be trained in specialised trades the arrangements do not exist and they are not admitted.

Shri Sidhva: There is my other question, whether there are only Indians or foreigners also in the school?

Sardar Baldev Singh: I cannot say offhand. Most probably they are all Indians. Our policy is that if in any training institution we have to get outsiders to train people we will certainly get them.

Dr. Deshmukh: Is this the only school of its kind and if it is so, is there any proposal to open any additional school?

Sardar Baldev Singh: At present this is the only school of its kind but our programme is that as soon as this school is fully established, according to the requirements of the Air Force we propose to open other schools also.

Babu Ramnarayan Singh: Is it the intention of the Government to have such a school in every province?

Sardar Baldev Singh: No, Sir. There is no proposal to have a school in every province. We have to have schools in certain centres only.

Shri Raj Bahadur: May I know whether the trainees are all men from the I.A.F. or there are outsiders also?

Sardar Baldev Singh: These are new trainees. They are not from the Air Force. They are new candidates who were selected by a Selection Board and they are sent to this school for training purposes.

Shri Sondhi: May I know whether the number of applicants required by the Air Ministry is much more than what the number of applicants is?

Sardar Baldev Singh: May be so.

Shri Sivan Pillay: Is it proposed to close the school at Tambaram?

Sardar Baldev Singh: I have already stated that there is no proposal to close the school at Tambaram.

Babu Ramnarayan Singh: Are the people in the rural areas acquainted with the existence of this School?

Sardar Baldev Singh: There is no bar, and there is no special provision either to admit students from rural areas. It all depends on the students who qualify, and they are admitted into the schools.

Khalsa and Jagir Areas in Hyderabad

*582. **Pandit M. B. Bhargava:** (a) Will the Minister of States be pleased to state what percentage of the total area of the Hyderabad State was comprised of Khalsa area and what of Jagir area?

(b) Did the Jagirdars in the Hyderabad State enjoy Revenue, Civil and Criminal powers?

(c) Has the Government in Hyderabad taken any measures to put an end to the Jagirdari system and if so, with what results?

(d) What steps have been taken in Hyderabad to give immediate relief to the suffering peasantry?

(e) Has any settlement been made with the Nizam of Hyderabad in respect of his 'Serfe Khas' and if so, with what results?

The Minister of Home Affairs and the States (Sardar Patel): (a) 30·9 per cent. of the total area of Hyderabad State comprised of Jagirs and the remaining areas are Khalsa.

(b) Yes, some of the Jagirdars enjoyed these powers in the past.

(c) Yes, Jagirs in the Hyderabad State were abolished with effect from the 15th August 1949 by the issue of the Hyderabad (Abolition of Jagirs) Regulation.

(d) The higher rates of assessment in Jagir areas have been reduced. Illegal taxes such as Flag tax, Id tax, Nazrana etc. have been abolished. A general remission of two annas in the rupee was sanctioned for Jagir tenants on the occasion of the abolition of Jagirs. Other land reforms have been taken in hand and are being implemented.

(e) The Nizam voluntarily transferred to the State all the *Sarf-i-Khas* lands early in 1949.

Cases of Bribery and Corruption in Centrally Administered Areas

***583. Dr. M. M. Das:** (a) Will the Minister of **Home Affairs** be pleased to state the number of cases of corruption and bribery detected in the Centrally Administered Areas during 1948-49 and 1949-50 to date?

(b) What are the respective number of cases (i) convicted; (ii) discharged; and (iii) under trial?

The Minister of Home Affairs and the States (Sardar Patel): The information is being collected and will be laid on the Table of the House in due course.

Babu Ramnarayan Singh: May I know whether there is any separate agency to detect crimes of corruption?

Sardar Patel: Separate from what?

An Hon. Member: From the ordinary police.

Mr. Speaker: That is what he means.

Sardar Patel: Yes, there is a Special Police establishment for the purpose—the Anti-Corruption Department

Secretariat Training School

***584. Dr. M. M. Das:** (a) Will the Minister of **Home Affairs** be pleased to state the functions and the costs of maintenance of the Secretariat Training School?

(b) Is the school being continued?

The Minister of Home Affairs and the States (Sardar Patel): (a) The School provides instruction to the staff of the Secretariat, in Secretariat organization, office methods and procedure, and service and financial regulations. A brief report on its activities will be found in the Review of the activities of this Ministry for 1948 as well as for 1949. The cost of maintenance for the current year is about Rs. 75,000.

(b) Yes.

Dr. M. M. Das: May I know the total number of trainees that completed their training in this School?

Sardar Patel: 2,473.

Dr. M. M. Das: May I know whether it is a permanent or a temporary institution?

Sardar Patel: It is more or less a permanent thing.

Shri Kesava Rao: May I know how many students are trained every year?

Sardar Patel: There are at present about 1,650 government servants on the waiting list of the School for training—about 750 for the refresher course for Assistants and 900 for the Typewriting course.

Shri Brajeshwar Prasad: How many of them are Beharis?

Sardar Patel: They are all Beharis in the sense...

Shri Nandkishore Das: May I know if the training given in the School is confined to employees of the Central Secretariat only or is it extended to employees of Provincial Governments also?

Sardar Patel: It is only for the Central Secretariat employees.

Sardar Hukam Singh: Is it a fact that certain displaced lawyers from West Punjab and Sind were taken in this School with an undertaking or some kind of understanding that they would be confirmed after they had got the training?

Sardar Patel: I have no information specially about displaced lawyers, but if they are trained in this School they will certainly be considered.

RADIO STATION FOR MANGALORE

*585. **Shri Kamath:** Will the Minister of **Information and Broadcasting** be pleased to state whether Government propose to build a broadcasting station in Mangalore and if so, when?

The Minister of State for Information and Broadcasting (Shri Diwakar): It is not proposed to build a broadcasting station in Mangalore.

Hon. Members: Why?

Mr. Speaker: Order, order.

ANDHRA PARTITION COMMITTEE

*586. **Shri Kamath:** Will the Minister of **Home Affairs** be pleased to state:

(a) when the report of the Partition Committee for Andhra was received by Government;

(b) the main proposals and recommendations contained in the report; and

(c) whether Government have taken any decision thereon?

The Minister of Home Affairs and the States (Sardar Patel): (a) On the 5th January, 1950.

(b) The Committee recommended, subject to a dissenting minute, that the Province of Andhra be set up before the 26th January, 1950. Their proposals dealt with subjects normally arising out of partition, such as boundaries, apportionment of assets and liabilities, splitting up of the legislature, apportionment of services etc.

(c) The attention of the hon. Member is invited to the Press Note issued on the 24th January, a copy of which has been laid on the Table of the House. [See *Appendix III, annexure No.* 19].

Shri Kamath: Which member of the Partition Committee wrote the minute of dissent?

Sardar Patel: Probably Mr. Prakasam, as far as I recollect.

Shri Kamath: Is Government still committed to the redistribution of Provinces on a linguistic basis?

Sardar Patel: Government is committed to nothing. It depends on the circumstances of the situation.

Shri Sidhva: May I know whether the correct decision of the Government in not partitioning Madras has silenced the other protagonists of separate linguistic Provinces?

Mr. Speaker: Order, order.

Shri V. J. Gupta: Will the Government appoint an Arbitration Commission to solve the disputed points?

Sardar Patel: Government does not consider it necessary to appoint an Arbitration Commission to solve the disputed points.

Shri Kamath: Have Government deferred a decision on the report of this Partition Committee till 1950 April, or indefinitely?

Sardar Patel: Government has reached a decision that in the present circumstances there is no agreement which was required for partition and therefore it cannot be done at present.

Dr. M. V. Gangadhara Siva: May I know whether any representation was made by the people of Rayalaseema against the formation of the Andhra Province?

Sardar Patel: Several representations were made.

Shri M. A. Ayyangar: Were those representations the cause of Government not accepting the majority Report?

Sardar Patel: It was one of the many causes.

Shri M. A. Ayyangar: May I know from the hon. Minister if Government is willing to form linguistic provinces wherever there is agreement between two linguistic areas?

Sardar Patel: If there is an agreement between all interests concerned—all parties concerned—not necessarily two.

Shri M. A. Ayyangar: Does it mean that it is enough if all the major parties concerned agree in the matter?

Sardar Patel: If there is general agreement among the major parties, the Government would consider that question.

Shri M. A. Ayyangar: With respect to Madras, as with respect to Bombay, being a common city until some agreement is reached, is it proposed to have an arbitration.....

Mr. Speaker: Order, order.

Shri Kamath: In this particular case, was there a lack of agreement among the Andhras or between the Tamils and the Andhras?

Sardar Patel: The main ground was lack of agreement between Andhras and Andhras and Andhras and Tamils.

PUBLIC SCHOOLS UNDER THE GOVERNMENT OF INDIA

*587. **Shri Kesava Rao:** (a) Will the Minister of **Education** be pleased to state what is the number of public schools under the management of the Government of India?

(b) What is the annual expenditure incurred for their maintenance?

(c) What is the expenditure incurred by the student per year?

(d) What are the special features of these institutions?

منسٹر آف ایجوکیشن (مولانا آزاد) : (اے) دو اسکول - لارنس اسکول سنادور اور لارنس اسکول لوورڈیل -

(بی) ۱۹۵۰-۵۱ء کے بجٹ میں بارہ لاکھ تینتالیس ہزار دو سو اڑسٹھ روپیہ ان اسکولوں کے لئے رکھا گیا ہے جو آمدنی فیس سے ہوتی ہے وہ اس میں نہیں ملائی گئی ہے -

(سی) سنادور کے اسکول میں ودیارتھیوں سے پندرہ سو روپیہ سالانہ فیس لی جاتی ہے - اور لوورڈیل میں بارہ سو - ٹیوشن ، بورڈنگ ، لانڈری ، ٹکسٹ بکس اور اسٹیشنری کا خرچ اسی روپیہ سے پورا کیا جاتا ہے - لیکن کپڑے کا خرچ اس سے الگ ہے -

(ڈی) یہ اسکول "اسپیشل ریزیڈنشیل اسکول" کی ٹائپ کے ہیں - ان کی پڑھائی اور رہنا سہنا ایسا ہے جس سے ودیارتھیوں میں لیڈرشپ کے گن پیدا ہوں - یہاں خاص طور پر گیم ، اسپورٹ اور اسی طرح کی دوسری باتوں پر زور دیا جاتا ہے اور کوشش کی جاتی ہے کہ لڑکوں کے اندر تعلیم کی ساری اونچی باتیں پیدا کی جائیں - اور پڑھائی جائیں -

The Minister of Education (Maulana Azad): (a) Two. (1) Lawrence School, Sanawar, and (2) Lawrence School, Lovedale.

(b) A provision of Rs. 12,43,268 has been proposed in 1950-51 for the maintenance of these schools but this does not take into account the income derived from fees paid by pupils.

(c) The pupils are charged fees at the rate of Rs. 1,500 per year in the Lawrence School, Sanawar, and Rs. 1,200 per annum at the Lawrence School,

Lovedale. The fees include cost of tuition, board, lodging, text-books and stationery, but do not include cost of clothing.

(d) These Schools are of the type of "Special Residential Schools". They aim at development of qualities of leadership, integrity, etc. in students. Special emphasis is laid on games, sports and other extra-curricular activities with a view to all round development.

Shri Kesava Rao: Sir, may I ask for the English translation?

Mr. Speaker: The hon. Member has not been asking for it till now.

Shri Kesava Rao: I was asking for it before.

Mr. Speaker: The Secretary will read it.

[*The Secretary then read out an English translation of the answer.*]

Shri Kesava Rao: May I know whether the Government have received any representation that the fee charged from the students is high?

مولانا آزاد : نہیں - اس طرح کا کوئی ریپرزنٹیشن گورنمنٹ کو نہیں ملا ہے - تمام حالات کو دیکھتے ہوئے گورنمنٹ سمجھتی ہے کہ یہ فیس کسی طرح بھی زیادہ نہیں ہے -

Maulana Azad: No. The Government have not received any such representation. Taking everything into consideration, the Government think that the fee charged is in no way high.

Shri Kesava Rao: May I know whether there are any special arrangements for poor boys to study in these schools?

مولانا آزاد : ہاں ، اسکا انتظام کیا گیا ہے -

Maulana Azad: Yes, arrangements have been made for them.

Shri Kesava Rao: May I know whether there is any proposal before the Government to start evening colleges and schools to facilitate young men who are working during day time to study further?

Mr. Speaker: How does it arise out of this question?

Shri Kesava Rao: I want to know whether there is any proposal before the Government.

Mr. Speaker: The question does not arise.

Shri Kesava Rao: I am asking as regards Government of India schools.

Mr. Speaker: He refers to public schools. How does the question of colleges arise?

Shri Kesava Rao: I want to know whether there is any proposal before the Government to start public schools in the Centrally-Administered areas, especially in Delhi.

Mr. Speaker: Order, order.

श्रीमती दुर्गाबाई : क्या मैं मिनिस्टर साहब से जान सकती हूं कि गवर्नमेन्ट ने इस तरह का पबलिक स्कूल लड़कियों के लिये खोला था और अगर नहीं खोला तो किस कारण ?

Shrimati Durgabai: May I know from the hon. Minister whether the Government had opened any such school for the girls, and if not, then why not?

مولانا آزاد : یہ اسکول گورنمنٹ نے نئے نہیں کھولے - یہ دو اسکول فوجی افسروں کے بچوں کے لئے بہت مدت سے چل رہے تھے اب انہیں پبلک اسکول کی شکل دے دی گئی ہے -

Maulana Azad: These are not the new schools opened by the Government. These two schools were opened long ago for the Military Officers' children. They have now been changed into public schools.

श्री देशबन्धु गुप्ता : इन दोनों स्कूलों में कितने तुलबा हैं और जैसा कि मिनिस्टर साहब ने फ़रमाया कि इन में ख़ास तौर पर लीडर्स पैदा करने की कोशिश की जाती है, तो इन दोनों स्कूलों ने आज तक कितने लीडर्स पैदा किये ?

Shri Deshbandhu Gupta: What is the number of students in both these schools; and as the hon. Minister has stated that special efforts are made there to produce leaders, may I know how many leaders have these two schools produced so far?

Mr. Speaker: Order, order.

Shri Deshbandhu Gupta: I want to know the number of students.

Mr. Speaker: But let the questions be one by one.

مولانا آزاد : سنہ ۱۹۴۹-۵۰ء میں ۱۴۳ و ۳۴۷

Maulana Azad: 143 and 347 during the year 1949-50.

श्री देशबन्धु गुप्ता : क्या मैं यह दरियाफ़्त कर सकता हूं कि इन स्टूडेन्ट्स में किसी ख़ास कम्यूनिटी के स्टूडेन्ट्स हैं, या सभी कम्यूनिटीज़ के लोग इससे फ़ायदा उठा सकते हैं ?

Shri Deshbandhu Gupta: May I know whether these students belong to any particular community or the members of all the communities can derive benefit out of it?

مولانا آزاد : تمام کمیونیٹیز کے آدمی بلا امتیاز اس سے فائدہ اُٹھا سکتے ہیں -

Maulana Azad: Members of all the communities can derive benefit without any discrimination.

श्री राज बहादुर : क्या मैं मिनिस्टर साहब से जान सकता हूं कि जिन गुणों को विद्यार्थियों में उत्पन्न करने के लिये यह विशेष स्कूल खोले गये हैं, क्या

इन गुणों को दूसरे विद्यार्थी जो अन्य स्कूलों में पढ़ते हैं, उनमें पैदा करने की आवश्यकता नहीं समझी गई ?

Shri Raj Bahadur: May I know from the hon. Minister whether the necessity for the development of those qualities in the students for which these special schools were opened was not also felt for the students studying in other schools?

Mr. Speaker: Order, order.

श्री के० सी० शर्मा : क्या मिनिस्टर साहब इस प्रकार के स्कूल्स विन्ध्य प्रदेश में भी खोलने की कोशिश करेंगे ?

Shri K. C. Sharma: Will the hon. Minister please try to open such schools in the Vindyapradesh also?

डाक्टर देशमुख : क्या मैं जान सकता हूं कि गवर्नमेन्ट आफ़ इंडिया ने कौन से साल से यह स्कूल्स अपने ज़िम्मे ले लिये हैं ?

Dr. Deshmukh: May I know from which year the Government of India have taken over charge of these schools?

مولانا آزاد : پچھلے برس سے -

Maulana Azad: Since last year.

Voluntary cut by Rajpramukhs and Rajas

***588. Shri Kesava Rao:** (a) Will the Minister of **States** be pleased to state whether it is a fact that certain Rajpramukhs and Rajahs have voluntarily given up a certain percentage of the allowances fixed for them by agreement?

(b) Who are the Rajpramukhs and Rajahs concerned and what is the annual saving thereby?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). So far, the Rajpramukh of Saurashtra has informed us of a voluntary cut of 14 per cent. in his salary as Rajpramukh resulting in a saving of Rs. 9,240 to the Saurashtra Government. His Highness the Maharao of Kotah has donated one year's privy purse amounting to Rs. 7 lakhs to the Rajasthan Government for the Chambal Irrigation project or any other project of public utility.

Treatment of Poliomyelitis

***589. Shri Raj Bahadur:** Will the Minister of **Health** be pleased to state:

(a) whether any effective remedy for Poliomyelitis has so far been found out by the Allopathic system of medicine or by any of the other systems of medicine; and

(b) if so, has this remedy been so far tried in any of the Government hospitals?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). Government are not aware of any specific cure for Poliomyelitis in any system of medicine. Research, however, on modern scientific lines is being carried out all the time in the Western hemisphere and also in India by the Indian Research Fund Association in their newly established Unit in Bombay. And, of course, there are different methods applied with a fair amount of success in the matter of rehabilitation.

Shri Raj Bahadur: Is it a fact that claims in writing have been made by certain Ayurvedic physicians to have found out a specific remedy for this disease?

Rajkumari Amrit Kaur: I am not aware of anything that Ayurved has found out in regard to this disease.

Shri Kishorimohan Tripathi: Has Government's attention been drawn to newspaper reports that homeopathy provides good and efficient treatment for poliomyelitis?

Mr. Speaker: I am afraid that is giving information rather than calling for it.

Shri Kamath: With reference to that part of the answer where it was said that there is no specific treatment in any other system of medicine, may I know whether this disease is a product of modern civilization?

Mr. Speaker: Order, order.

Dr. Pattabhi: Is the hon. Minister aware of the fact that acute anterior poliomyelitis, as it is called, is a disease which cures itself in respect of the paralysis of all the limbs except one and that therefore any claim put forward for a partial, or more or less complete success, must be judged by this particular standard?

Mr. Speaker: It is more or less an expression of opinion.

Shri B. Das: Has the hon. Minister got any Ayurved Adviser in her Ministry to advise her on matters of Ayurved medicines?

Rajkumari Amrit Kaur: There is none. But, of course, any Ayurved physician who wishes to experiment with a particular medicine, or who comes to me and tells me what the medicine is, will be given opportunities.

Shri Raj Bahadur: May I know the number of cases suffering from this disease who are undergoing treatment in the Safdarjung or any other Government Hospital in Delhi at present?

Rajkumari Amrit Kaur: In the Safdarjung Hospital in Delhi I believe there are, at the moment, fourteen children.

Shri Raj Bahadur: May I know the period for which they have been under treatment?

Rajkumari Amrit Kaur: They have been under treatment for the last five months, and in the case of a number of them there is a good deal of improvement.

Shri Kamath: Are all the four or five iron lungs which were brought last year for this purpose in working order?

Rajkumari Amrit Kaur: Yes.

MERGER OF VINDHYA PRADESH STATES IN PROVINCES

*590. **Shri R. L. Malviya:** (a) Will the Minister of **States** be pleased to state whether the Rajpramukh and Princes of the States comprising Vindhya-Pradesh have agreed to their States being merged with the neighbouring States?

(b) If so, on what terms and how long will their merger take?

(c) If not, what steps do Government propose to take in the matter?

(d) Are Government aware of the dis-satisfaction among the people on the formation of Vindhya Pradesh as Chief Commissioner's State?

(e) If so, what steps do Government propose to take to convert it into a State and how long will it take to form it?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). In December 1949, the Rajpramukh and other Rulers of Vindhya Pradesh executed an agreement ceding to the Dominion Government full and exclusive jurisdiction over the territories comprising Vindhya Pradesh and empowering the Dominion Government to make suitable arrangements for the administration of these territories. The White Paper on the Indian States which will shortly be laid before the Parliament will include a copy of this Agreement.

(c) Does not arise.

(d) There was some dis-satisfaction but as I have explained in my speech on the 2nd February there was no other alternative.

(e) It is already a State under Part C.

Kanwar Jaswant Singh: May I know whether the Maharaja of Rewa, who was the Rajpramukh of Vindhya Pradesh, has ceased to be Rajpramukh under this arrangement?

Sardar Patel: There is no Rajpramukh there now. It is a State administered by the Central Government.

Kanwar Jaswant Singh: Has he also forfeited his salary as Rajpramukh?

Sardar Patel: No more salary can be paid if he is not in service.

FIRING IN REWA

*591. **Shri R. L. Malviya:** Will the Minister of **States** be pleased to state:

(a) the causes which compelled the Police to open fire in Rewa in Vindhya Pradesh;

(b) whether it is a fact that the Police opened fire without the orders of any Magistrate;

(c) whether any enquiry has been instituted and if so, what are the findings of the Committee; and

(d) if not, whether Government propose to set up one?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (b). The circumstances which led to firing were as follows:

Certain agitators instigated by vested interests called for a *hartal* and strike of essential services on 2nd January, 1950 as a protest against the the so-called

decision of merger of Vindhya Pradesh in the adjoining Provinces. An unruly and rowdy crowd collected at the bus stand in Rewa and forcibly stopped the mail and other buses from proceeding to Satna. On the Police trying to restore order there was a shower of stones which injured several officers and men of the police force. A mild lathi charge was therefore resorted to. Soon after, the crowd collected again and threw stones resulting in injuries to the District Magistrate, Deputy Inspector General and Superintendent of Police. The crowd was large, was defiant and indulging in acts of violence. Lathi charge failed to disperse it and in order to prevent the police force from being completely overwhelmed, firing was ordered by the District Magistrate.

(c) and (d). The Government of India have through their own agency of inquiry satisfied themselves that the firing was justified and that the minimum force was used. It is not necessary, therefore, to have any further inquiry.

Shri K. C. Sharma: Is it a fact that the trouble was instigated by some of the *ex*-rulers and *ex*-Ministers of Vindhya Pradesh, and anti-merger and anti-Government activities are being aided, abetted and financed by these men?

Sardar Patel: That is the information which Government have received.

Shri K. C. Sharma: Will the hon. Minister kindly mention the names of those *ex*-rulers and *ex*-Ministers?

Sardar Patel: I have not got the names before me, but if the hon. Member wants the information, I will give it to him.

Percentage of Literacy in States

***592. Shri Alexander:** Will the Minister of **Education** be pleased to state the percentage of literacy in different States?

مسٹر آف ایجوکیشن (مولانا آزاد) : ایک اسٹیٹمنٹ ہاؤس کی ٹیبل پر رکھ دیا جاتا ہے جس سے وہ باتیں معلوم ہو جائیں گی جو سوال میں پوچھی گئی ہیں - [See *Appendix III, annexure No. 20*]

The Minister of Education (Maulana Azad): A statement giving the percentages of literacy in the States is laid on the Table of the House. [See *Appendix III, annexure No.* 20].

Shri Alexander: May I know whether any plan for compulsory primary education has been adopted in any of the States?

Mr. Speaker: The hon. Member will note that that is a States subject.

श्रीमती दुर्गाबाई : क्या मैं जान सकती हूं कि इल्लिटरेसी को घटाने के लिये गवर्नमेंट ने क्या चेष्टा की है ?

Shrimati Durgabai: May I know what efforts have been made by the Government for the removal of illiteracy?

مولانا آزاد : گورنمنٹ کوشش کر رہی ہے - اس کی پوری فہرست تو نہیں پیش کی جا سکتی -

Maulana Azad: Government are trying. I cannot indicate the detailed steps that have been taken in this direction.

Shri Rathnaswamy: What are the lines on which the Central Government propose to co-ordinate the educational policy of various States?

مولانا آزاد : گورنمنٹ کانفریلسیں کرتی ہے - ایجوکیشن منسٹروں کو اکٹھا کرتی ہے اور ان کو ایڈوائس دیتی ہے -

Maulana Azad: Government holds conferences, invites the Education Ministers and renders advice to them.

श्रीमती दुर्गाबाई : क्या मैं गवर्नमेंट का ध्यान इस ओर दिला सकती हूं कि एडल्ट फ्रेंचाइज (adult franchise) की वजह से एडल्ट एजूकेशन (adult education) को कंपलसरी (compulsory) करके उसके बढ़ाने की इस साल में बहुत जरूरत है ?

Shrimati Durgabai: May I invite the attention of the Government towards the fact that on account of adult franchise it is very essential to develop the adult education after making it compulsory during this year?

Mr. Speaker: It is an argument.

चौधरी रणबीर सिंह : क्या मंत्री महोदय बतावेंगे कि चीफ कमिश्नर्स के प्रान्तों में एडल्ट एजूकेशन को बढ़ाने के लिए क्या कदम उठाया गया है ?

Ch. Ranbir Singh: Will the hon. Minister please state what steps have been taken for the development of adult education in the States administered by the Chief Commissioners?

مولانا آزاد : گورنمنٹ دو برس سے کوشش کر رہی ہے- اس اسٹیٹمنٹ سے آپ کو تمام حالات معلوم ہو جائیں گے -

Maulana Azad: Government have been trying for the last two years. This statement will give you the requisite information.

चौधरी रणबीर सिंह : देहात में तालीम बढ़ाने की क्या कोशिश की जा रही है ?

Ch. Ranbir Singh: What efforts are being made for the development of education in the rural areas?

مولانا آزاد : گورنمنٹ نے جو کچھ کیا ہے وہ زیادہ تر دیہاتی حلقہ کیلئے کیا ہے-

Maulana Azad: Whatever the Government have done that is more or less for the rural areas.

Shri Chattopadhyay: Is there any part of the Centrally Administered Areas where primary education has been made compulsory?

مولانا آزاد : ہاں -

Maulana Azad: Yes.

Shri Chattopadhyay: May I know which is it?

Mr. Speaker: I think I should go to the next Question.

MEDIUM OF INSTRUCTION

*593. **Shri S. C. Samanta:** Will the Minister of **Education** be pleased to state:

(a) whether the Resolution regarding medium of Instruction in educational institutions, issued by the Ministry of Education to all State Governments, are being followed; and

(b) how many complaints of non-observance have been received by the Government (i) from individuals; and (ii) from associations?

مدسٹر آف ایجوکیشن (مولانا آزاد) : (اے) گورنمنٹ آف انڈیا کے رزولیوشن کا اصلی مطلب یہ تھا کہ پرائمری اسکولوں میں میڈیم آف انسٹرکشن وہ زبان ہونی چاہیے جو بچوں کی مدر ٹنگ ہو - تمام اسٹیٹ گورنمنٹوں نے یہ پرنسپل مان لیا ہے -

(بی) گورنمنٹ آف انڈیا کو اکسٹھ شکایتیں ملی تھیں - ان میں پینتالیس شکایتیں مختلف ایسوسی ایشنس کے طرف سے تھیں -

The Minister of Education (Maulana Azad): (a) According to the information available in the Ministry the State Governments agree with the main proposal of the resolution, *viz.*, that Mother Tongue should be the Medium of Instruction for Primary School children.

(b) 16 complaints were received from individuals and 45 from Associations.

Shri S. C. Samanta: May I know, where the mother tongue is not at present the State language, at what stage the State language will be introduced as the second language?

مولانا آزاد : تھرڈ کلاس سے -

Maulana Azad: From the third class.

Shri S. C. Samanta: At what stage would the State language replace the mother tongue as the medium of instruction?

مولانا آزاد : سیکنڈری اسٹیج میں آہستہ آہستہ اسٹیٹ لینگویج کو میڈیم بنایا جائیگا -

Maulana Azad: In the secondary stage the State Language shall be gradually adopted as the medium.

श्रीमती दुर्गाबाई : क्या यह सच है कि गवर्नमेन्ट के आगे एक प्रस्ताव पड़ा है कि सेकन्डरी एजूकशन के लिये एक कमेटी अप्वाइंट (appoint) की जा रही है ?

Shrimati Durgabai: Is it a fact that the Government are contemplating to appoint a Committee for the purposes of Secondary Education?

مولانا آزاد : ہاں

Maulana Azad: Yes.

Shri S. C. Samanta: What is the medium of instruction at the University stage?

مولانا آزاد : یہ ابھی قطعی طور پر نہیں کہا جا سکتا - یونیورسٹی کمیشن کی رپورٹ پر ابھی گورنمنٹ کو غور کرنا ہے جس نے اس مسئلہ پر بھی بحث کی ہے - جہاں تک اندازہ کیا جا سکتا ہے ، وہ یہی ہے کہ یونیورسٹی میں میڈیم آف انسٹرکشن اسٹیٹ کی زبان ہو گی -

Maulana Azad: It cannot be definitely stated at this stage. The Government have as yet to consider the University Commission Report who have also discussed this point. So far as it can be guessed, the State Language will be the medium of instruction at the University stage.

Shri S. C. Samanta: Have any facilities for teaching the national language to the students as an optional subject been provided?

مولانا آزاد : اس کی کوشش ضرور کی جائیگی - لیکن جہاں تک گورنمنٹ کو معلوم ہوا ہے ، ابھی تک کوئی عملی قدم نہیں اُٹھا ہے -

Maulana Azad: Efforts shall surely be made towards this direction. But so far as the Government are aware, no practical steps have as yet been taken.

Selection of Women for I.A.S.

***595. Shrimati Uma Nehru:** (a) Will the Minister of **Home Affairs** be pleased to state how many women applicants (i) un-married; and (ii) married were selected for appointment in the Emergency Recruitment to I.A.S. in June 1948?

(b) How many of them have been appointed?

The Minister of Home Affairs and the States (Sardar Patel): No women have been selected so far for I.A.S. Some recommendations of the Special Selection Board are still under consideration and I regret I am unable to disclose any information about these recommendations at this stage.

Shri Tyagi: Is it not in the public interest?

श्रीमती उमा नेहरु : क्या मैं माननीय मंत्री जी से पूछ सकती हूं कि कितनी औरतों ने आई० ए० स० के लिए अप्लाई किया था ?

Shrimati Uma Nehru: May I ask the hon. Minister as to how many women applied for I.A.S.?

Sardar Patel: I have no information, Sir. I want notice of the question.

Shrimati Durgabai: May I know, Sir, whether it is a fact that in the case of women applicants marriage has been considered as a disqualification for selection?

Sardar Patel: There is nothing to prevent a married woman from applying, in regard to qualifications it is a matter for the Public Service Commission to decide. But for actual appointment in executive offices, so far as married

women are concerned there are certain difficulties, because certain functions which married women have to perform create difficulties in the way of touring which necessarily for a period of months they cannot do. Therefore, they are taken in the Secretariat service where there is no bar. But in certain executive posts there are natural difficulties, because in spite of claim for equality man cannot be woman and woman cannot be man.

Syed Nausherali: Does it not militate against the provisions of the New Constitution?

Shrimati Velayudhan: Is any discretion vested in Government to refuse appointment to selected married women?

Sardar Patel: Of course. Government has the discretion to reject a candidate if they find it inconvenient.

Dr. Deshmukh: Is there any proposal to take an undertaking from unmarried girls that they will not marry if they are appointed?

Shrimati Ammu Swaminadhan: My question is more or less the same. Supposing a woman candidate has been taken in. The moment she marries, is she going to be dismissed from service?

Mr. Speaker: All these questions are hypothetical.

Shri Kamath: With reference to the bar or difficulty mentioned by the hon. Minister regarding touring or executive jobs, will this consideration apply in the case of Ministers as well?

RETRENCHMENT OF SCHEDULED CASTE GOVERNMENT SERVANTS

*596. **Shri R. Velayudhan:** (a) Will the Minister of **Home Affairs** be pleased to state whether due to the retrenchment effected by the Government, the Scheduled Caste employees of the Government are also affected?

(b) If so, how many Scheduled Caste employees were discharged till recently?

(c) Has the Ministry of Home Affairs issued any circular to retain Scheduled Caste employees if their services are found satisfactory to their superiors?

The Minister of Home Affairs and the States (Sardar Patel): (a) and (c). I have recently issued instructions to the effect that educationally qualified Scheduled Caste employees who are (i) outstanding or (ii) not outstanding but fit for permanent retention in the grade shall be retained in preference to persons of other communities up to the limit of the quota of 12½ per cent. among the direct recruits reserved for the Scheduled Castes:

(b) the information is being collected and a statement will be laid on the Table of the House.

Shri R. Velayudhan: Has any enquiry been made that advantage has been taken of or effect given to the circular of the Ministry of Home Affairs that the services of Scheduled Caste employees who are found satisfactory by their superior officers should be retained?

Sardar Patel: Of course, all instructions issued by the Ministry of Home Affairs are scrupulously followed by the Departments of Government.

Shri R. Velayudhan: May I know whether Scheduled Caste employees who have completed their period of probation have been retrenched even after the issue of the Home Ministry circular?

Sardar Patel: I am not in a position to give a reply. But I will find out if that is so.

Shri Raut: Is that circular about the quota on the table of the various offices of the Government of India?

Sardar Patel: It has been circulated among all the offices.

Shri Raut: May I know what is the procedure followed for deciding the seniority or juniority of a Scheduled Caste employee. Is his seniority compared as between Scheduled Caste employees, or with all?

Sardar Patel: Not among Scheduled caste employees. Seniority is decided in regard to the whole cadre.

Dr. Deshmukh: In view of the difficulty of securing Scheduled Caste candidates, will Government consider the question of lowering the qualifications prescribed for them?

Mr. Speaker: The hon. Member is making a suggestion.

SCHEDULED CASTES IN I.A.S. AND I.P.S.

*597. **Shri R. Velayudhan:** Will the Minister of **Home Affairs** be pleased to state the number of scheduled castes candidates selected for I.A.S. and I.P.S. in 1949?

The Minister of Home Affairs and the States (Sardar Patel): (i) Indian Administrative Service—6.

(ii) Indian Police Service—2.

These figures do not include scheduled castes officers of the Provincial Services promoted to the Indian Administrative Service and Indian Police Service, about whom no information is available.

Shri J. N. Hazarika: May I know whether among the candidates there were any belonging to the scheduled tribes?

Sardar Patel: I have no information at present.

Shri Sonavane: Sir, the hon. Minister has said that for the I.A.S. 6 and for the I.P.S. 2 candidates were selected. May I know the total number of candidates recruited for these two services out of which there were 6 in one and 2 in the other service belonging to the scheduled castes?

Sardar Patel: These 6 candidates for the I.A.S. were out of 82 and the 2 for the I.P.S. were out of 39.

Shri Barman: Sir, has it come to the notice of the hon. Minister that although a number of scheduled caste students qualify themselves in the written examination, almost 99 per cent. of them get disqualified in the *viva voce*?

Mr. Speaker: Disqualified by whom? By the F.P.S.C.?

Shri Barman: Yes, Sir.

Mr. Speaker: That question cannot be allowed.

Shri Rathnaswamy: Is the percentage fixed for the scheduled castes in the services, in the I.A.S. and the I.P.S. being observed?

Sardar Patel: How can that be, Sir? They come on merit.

ALL INDIA EDUCATIONAL SERVICE

*598. **Prof. S. N. Mishra:** Will the Minister of **Education** be pleased to state:

(a) whether Government propose to re-introduce an All India Educational Service; and

(b) if so, the reasons therefor?

مسٹر آف ایجوکیشن (مولانا آزاد) : (اے) گورنمنٹ کے سامنے ابھی کوئی تجویز ایسی نہیں ہے کہ آل انڈیا ایجوکیشنل سروس کو پھر سے چلایا جائے -

(بی) یہ سوال پیدا نہیں ہوتا -

The Minister of Education (Maulana Azad): (a) There is no proposal for the re-introduction of an All-India Educational Service at present.

(b) Does not arise.

प्रो० एस० एन० मिश्र : क्या सरकार के पास इस तरह के मुतालबे हुए हैं कि इस तरह की सर्विसेज़ फिर से कायम करने की सूरत होनी चाहिये ?

Prof. S. N. Mishra: Have Government received any representation to the effect that such a Service should be re-introduction.

مولانا آزاد : نہیں -

Maulana Azad: No.

प्रो० एस० एन० मिश्र : तो फिर क्या सरकार समझती है कि सारे देश की सर्विसेज (Services) को किसी एक धागे में बांधने के लिए या सारे मुल्क की सर्विसेज़ की निगाह से एक ऐसी सर्विस कायम करने की जरूरत नहीं है ?

Prof. S. N. Mishra: Then do not the Government consider the necessity to set up such a Service either for the purposes of integration of the entire Services of the country into one single unit or from the point of view of All India Services?

مولانا آزاد : نہیں اسکی ضرورت نہیں ہے -

Maulana Azad: No. It is not considered necessary.

प्रो० एस० एन० मिश्र : ऐसी आल इंडिया एजुकेशनल सर्विस जो दूसरी आल इंडिया सर्विसेज़ की तरह आल इंडिया पैमाने पर चल रही थी, खत्म करने की क्या जरूरत पड़ी ?

Prof. S. N. Mishra: What was the necessity for winding up this All India Educational Service which was being run on an All India basis just like other All India Services?

مولانا آزاد : اسکو ضروری نہیں سمجھا گیا -

Maulana Azad: This has not been considered necessary.

COMMUNISTS IN HYDERABAD

*599. **Shri B. K. P. Sinha:** (a) Will the Minister of **States** be pleased to state whether there has been a large scale recrudescence of Communist trouble in the Telengana district of Hyderabad?

(b) Is it a fact that the trouble makers have ample supplies of fire-arms and ammunition at their disposal?

(c) Have Government any information about the sources from which these supplies have been or are being obtained?

The Minister of Home Affairs and the States (Sardar Patel): (a) During the last two months there has been an increase in the number of cases of murder, arson and robbery committed by persons reported to be Communists.

(b) Yes.

(c) Mostly from the previous Government, Razakars and the deserters from the Hyderabad Army and Police.

Shri K. C. Sharma: May I know the number of Communists arrested so far and the number of them who have gone underground?

Sardar Patel: The number of Communists who have gone underground cannot be given because we keep no register of people who have gone underground. That is difficult. But the number of those who have been arrested for crimes and other offences is about 3,000 in Hyderabad.

Dr. Pattabhi: May I know whether, in view of the fact that the Communist-infected areas in the Madras Presidency, namely, Kistna District, and the Hyderabad Dominion, are adjacent to one another, there is any proposal either in the offing or in operation to carve out these adjacent areas into one police district?

Sardar Patel: Sir, what is the question?

Dr. Pattabhi: I shall repeat it myself, Sir. There are certain districts in the Madras Presidency which are Communist-ridden. The adjacent districts in the Nizam's Dominion are also Communist-ridden, I mean in the Hyderabad area. There are, however, two different governments functioning in these two areas. Is there any scheme by which the police administration and the anti-Communist activities can be organised together in all these districts, as a common territorial unit?

Sardar Patel: The police officers of both the governments have met and organised a co-ordinated and joint plan for functioning in both these areas.

Dr. Pattabhi: Is there any common authority functioning there? Of course, the officers may be co-ordinating their work, I know that. But is there a common authority which can give orders and execute orders in that common area?

Sardar Patel: There can be no common authority. But it has been agreed between the two administrations that the police from one area can go to the other area and *vice versa*.

Dr. Pattabhi: Will the Government please recognise that the failure so far to control this trouble was due to the non-existence of a common controlling authority there just as the T.V.A. in irrigation matters?

Mr. Speaker: I am afraid we are entering into an argument.

Dr. Pattabhi: I want to suggest that....

Mr. Speaker: I may inform the hon. Member that he cannot ask a question suggesting action.

Shrimati Durgabai: May I know whether the Government have satisfied themselves that the police force and the vigilence arrangements made by the Madras Government are adequate to meet the grave situation there?

Sardar Patel: The police force is adequate; but whether the administration pursues the action adequately or not is a matter of opinion.

Shri B. K. P. Sinha: Is the trouble localised or is it spreading?

Sardar Patel: So far as Hyderabad is concerned, the trouble is localised into these two districts only.

Shri T. T. Krishnamachari: May I know whether the attention of the hon. Minister has been drawn by the Government of Madras to the fact that the relation between the two governments of Hyderabad and Madras in regard to the exchange of information or offering of facilities to the police officers is much the same as it was prior to the police action in Hyderabad?

Sardar Patel: No. it is much more now.

EPIDEMICS IN BIHAR

***600. Saikh Mohiuddin:** Will the Minister of **Health** be pleased to state:

(a) whether any special grant has been contributed to the said State of Bihar to cope with epidemics of malaria, cholera, small-pox and plague in the year 1949-50 up to January, 1950; and

(b) whether any special grant is going to be allotted to the said State during the next financial year and if so, what amount?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). No special grant was given to Bihar for 1949-50 or is proposed to be given during the next financial year for the purposes mentioned. But the Union Government made an overall grant of Rs. 2 crores for development and training schemes of the State of Bihar during 1949-50. Certain Public Health Schemes dealing with malaria and plague formed part of the Provincial Development Programme.

Shri P. G. Sen: May I know the number of deaths in Bihar from malaria, cholera, small-pox and plague during this period?

Rajkumari Amrit Kaur: I would require notice of the question.

CHILDREN'S FAIR

***601. Shri Rathnaswamy.** (a) Will the Minister of **Education** be pleased to state whether any representation was received from non-official bodies for State facilities and encouragement to hold a "Children's Fair" in India?

(b) If so, what are the lines on which Government help has been sought towards the successful holding of this fair?

منسٹر آف ایجوکیشن (مولانا آزاد) : (اے) ہاں - آل انڈیا وومنس کانفرنس نے پچھلی جولائی میں ایک انفارمل درخواست کی تھی کہ ہمپئی میں چلڈرن ویک منانے کے لئے گورنمنٹ مدد دے - یہ ویک وہ نومبر میں منانا چاہتے تھے -

(بی) کانفرنس چاہتی تھی کہ اسے ضروری ایڈوائز دی جائے اور روپیہ کی بھی مدد دی جائے۔جہاں تک ایڈوائز کا تعلق ہے وہ دے دی گئی - جہاں تک روپیہ کی مدد کا تعلق ہے کوئی فارمل درخواست گورنمنٹ آف انڈیا کو نہیں بھیجی گئی -

The Minister of Education (Maulana Azad:): (a) Yes Sir. The All India Women's Conference made an informal approach to Government in July last to help in the organisation of a 'Children's Week' in November, 1949 in Brabourne Stadium in Bombay.

(b) The Conference wanted advice as well as monetary help from the Government. As far as the advice is concerned it was given. No formal application for monetary help was received.

Shri Rathnaswamy: Sir, I request a translation of the reply may please be given.

Mr. Speaker: Unfortunately the question hour is over. The hon. Member may see the translation on record.

WRITTEN ANSWERS TO QUESTIONS

Supply of Milk for School Children

***580. Seth Govind Das:** Will the Minister of **Education** be pleased to state whether any experiment of giving milk regularly to school children during school hours has been tried in schoo's in Centrally Administered Areas, and if so, with what results?

The Minister of Education (Maulana Azad): The hon. Member's attention is drawn to the statement laid on the Table.

STATEMENT

Showing whether giving of Milk regularly to School Children during School Hours has been tried in Schools in Centrally Administered Areas and if so, with what Results.

Ajmer.—Giving of milk was tried at the Anglo-Indian and European Railway School, Ajmer, during 1945-48 and children benefited by it.

Andaman and Nicobar.—The Scheme has not been tried.

Bhopal.—Distribution of milk to school children has not been tried in Bhopal.

Bilaspur.—Not tried.

Coorg.—Milk is not being supplied to school children.

Delhi.—The Scheme is being tried in only one M. B. Primary School, *viz.*, Co-education School, Anguri-Khirki, Delhi, where students mainly belong to the depressed classes. Each child is given ½ lb. sugared and boiled milk in the recess period. The daily average of children benefited by the Scheme is about 70.

It has been revealed by the quarterly medical examination that 50 per cent. children show definite improvement in health and about 10 per cent. show slight improvement.

Himachal Pradesh.—Not tried in schools in the Province.

Kutch.—The practice has not been adopted.

BLOOD BANKS

*581. **Seth Govind Das:** Will the Minister of **Health** be pleased to state the number of blood banks opened in India, and how many persons have donated blood?

The Minister of Health (Rajkumari Amrit Kaur): The number of blood banks functioning in India is fifty. The number of persons who have donated blood was 16,619 in 1948 and 23,877 in 1949.

NATURE OF EDUCATIONAL FACILITIES TO HILL TRIBES

*594. **Shri P. K. Ramiah:** Will the Minister of **Education** be pleased to state the nature of the educational facilities afforded to the hill tribes living in Scheduled Areas?

The Minister of Education (Maulana Azad): The hon. Member's attention is invited to the reply given to the starred question No. 1152 asked by Shri Balwant Sinha Mehta on the 17th March 1949. A statement giving details of Scholarships awarded by this Ministry to backward classes including aboriginals and hill-tribes in the current year is laid on the Table of the House. [See *Appendix III, annexure No.* 21.]

EXCISE DUTY ON TEA

66. **Shri Buragohain:** Will the Minister of **Finance** be pleased to state the amounts of excise duties on tea collected by the Government of India, State by State during the four years 1946-50?

The Minister of Finance (Dr. Matthai): A statement showing the amounts of excise duty on Tea collected Statewise by the Government of India during the years 1946-49 and 1949-50 (April to October 1949) is placed on the Table of the House. [See *Appendix III, annexure No.* 22.]

COL. KARL BRUNNER

67. **Shri Sidhva:** (a) Will the Minister of **Defence** be pleased to state whether Col. Karl Brunner, Deputy Chief of General Staff, Switzerland, has been invited by the Ministry of Defence to India?

(b) If so, for what purpose was he invited and has he given any report to Government?

(c) What was the cost of the visit?

The Minister of Defence (Sardar Baldev Singh): (a) Yes.

(b) He was invited to deliver a few lectures on military subjects to Service officers. He was not required to submit any report.

(c) Rs. 10,000 approximately.

Medical Stores for Defence Services

68. Shri Sidhva: (a) Will the Minister of **Defence** be pleased to state through what agency the medical stores for Defence services are purchased?

(b) What was the total amount of medicinal stores purchased during the years 1948 and 1949?

The Minister of Defence (Sardar Baldev Singh): (a) Indigenous stores and stores from countries other than the U.K. are purchased through the Ministry of Industry and Supply. Stores from the U.K. are purchased through the Director-General, India Store Department, London. The Director-General and Officers Commanding Armed Forces Medical Stores Depots are also authorised to make local purchases when the value of stores in any individual case does not exceed Rs. 400.

(b) The figures for the calendar years 1948 and 1949 are not available. Stores of the value of Rs. 9,15,000 were purchased during the financial year 1948-49 and of Rs. 7,16,000 from April to December 1949.

PARLIAMENTARY DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 1st March, 1950

The House met at a Quarter to Eleven of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

11-45 A. M.

POINT OF PRIVILEGE OF MEMBERS OF PARLIAMENT

Mr. Speaker: Mr. Kamath to raise the point of Privilege as stated in the Order Paper. I think, I should make clear, at the beginning, the scope of discussion in this matter. It will not be open, while discussing the question of Privilege, to go into the merits of the order made by the Delhi authorities. The only limited question open to discussion here will be that, assuming that order to be illegal or improper, whether there is any question of privilege; and if there is any question of privilege, what is that Privilege; and then, if *prima facie*, it appears that there is some question of Privilege likely to be involved, the further procedure will be that a Committee of Privileges will be appointed by me and it will be the business of that Committee to make all enquiries that it may like to make and then decide or rather make its recommendations and report to the House as to whether there has been any question of Privilege at all and if so, to what extent and whether there has been any breach. So, remembering this limitation in mind, the hon. Members will address themselves if they want to, on the question of a *prima facie* case about any Privilege being involved on the assumption, as I said, of the order being illegal or improper.

Shri Tyagi (Uttar Pradesh): May I know if the recommendation of the Committee that will be appointed on the Privilege question will be brought before the House finally?

Mr. Speaker: Yes. The report of the Committee will come to the House and on that report, the House may adopt such motion as it likes. It may accept the recommendations, it may reject them, it may do nothing or pass any particular resolution that it may like.

Shri Kamath (Madhya Pradesh): May I know whether that Committee will be appointed by you or will it be elected?

Mr. Speaker: It will be appointed by the Speaker.

Shri A. P. Jain (Uttar Pradesh): I would very respectfully submit that the question whether the order was legal or illegal is a very relevant question and it should be discussed in the House. If a person has been correctly arrested

[Shri A. P. Jain]

or correctly detained, then the question of Privilege does not arise but supposing a Member of Parliament is coming to the House and he is held back by a certain person without legal authority.....

Mr. Speaker: The hon. Member is going into the merits. Therefore, I made it clear in the beginning that the maximum that could be said in support of the case for consideration of privilege is that the order is illegal or the order is improper. On that assumption, the *prima facie* question is whether there is any question of privilege at all. Therefore, on this assumption it is not necessary to go at all into the question about the legality or otherwise of the order.

Shri R. K. Chaudhuri (Assam): May I know whether the Committee which is going to be appointed.

Mr. Speaker: Not necessarily. The hon. Member need not assume it. If I come to the conclusion that a *prima facie* case is made that some kind of Privilege is involved, then only I may appoint a Committee.

Shri R. K. Chaudhuri: Whether the question of punishment of the person who is responsible for this breach of the Privilege will also be taken into consideration or whether the Committee will be asked to consider that matter?

Mr. Speaker: That matter is hypothetical at this stage. It will depend upon two factors. The first is appointment of a Committee and then it will depend on the recommendations which the Committee makes. Thereafter, it is perfectly open to the House to consider, in case the Committee recommends that there is a breach, the nature of the breach, how far it is serious or otherwise, and then also, merely because the Committee makes a recommendation, the question of punishment will not arise unless the House concurs in the recommendation of the Committee. It will be for the House then to decide as to what it should do.

Pandit Maitra (West Bengal): The scope of the Committee depends on the terms of reference that you give.

Mr. Speaker: Therefore it will depend on the *prima facie* case that the orders are illegal and a breach of the Privilege is involved.

Shri Tyagi: Is there not any Standing Committee for this?

Mr. Speaker: No.

Shri Kamath: It is as a matter of painful duty that I rise to raise a point of Privilege, namely: The arrest and removal from Delhi under the East Punjab Public Safety Act, 1949, as applied to the State of Delhi, of Prof. Shibban Lal Saksena, M.P. during the sitting of Parliament, without communicating the aforesaid order under the Act to the Honourable the Speaker of Parliament or to the House. This is to the effect that certain executive actions of Government have resulted in a breach of Privileges of Members of this Sovereign Parliament. This motion is, as the House is aware, necessitated by the fact that the adjournment motion which I sought to move yesterday raising a question of Privilege was barred under the new rules. This point which I raise today splits itself into two parts. Firstly, there has been the arrest and removal from Delhi of a Member of Parliament under certain laws of the land. Secondly, that this action has been completed without any communication to that effect from the authority concerned either to you or to the House.

Let us examine this matter from both these aspects. The first part refers to the arrest and removal of a Member of Parliament from Delhi under a law, special or ordinary. It may be argued on behalf of the authorities:

concerned that there was no formal arrest. That is what I am anticipating and I would like to meet that answer before hand. The facts that I have in my possession are that the authorities of the Magistracy or police or both went to Rajghat where this Member of Parliament was fasting and was in the tenth day of the fast, there was no order served on him on the spot, he was taken and put in a police van or truck and removed to the Railway Station where the order was served upon him, and he was put in a Class II Ordinary Compartment in the custody of one police inspector and two constables who accompanied him on the journey from Delhi to Lucknow or Gorakhpur, I am not sure where. Inasmuch as the police authorities took him into custody and accompanied him in the train from Delhi to his destination, the fact of arrest is established. I will not go into the merits or grounds of the arrest, because you have ruled that as inadmissible. In passing I would only say that the Member of Parliament deserved better treatment at the hands of the police when he was being removed from one place to another, particularly in view of the fact that he was not in a normal condition and in any case, as a Member of Parliament. Even when I was arrested in 1942 by the British authorities, I was put in a taxi and was taken to the Railway Station and put in a higher class than what was given to this Member of Parliament. I was not a Member of any Assembly then, but a Member of our Sovereign Parliament has been treated in this very improper manner. There have been various opinions that this treatment has been callous and highhanded.

The other aspect is his removal from Delhi. The hon. Home Minister told us yesterday that that part of the order externing this Member of Parliament from Delhi had been cancelled. My hon. friend Dr. Pattabhi Sitaramayya wanted to know when this part of the order was cancelled. The hon. Home Minister was not in a position to tell the House at what time that operative part of the order was cancelled. Anyway, there has not been any authoritative answer on the subject and I would not venture to guess. So far as I remember, he said that he got a copy of the adjournment motion at about eleven o'clock, that he was not in a position to say when it was cancelled and that he did not know where exactly the Member of Parliament was at that particular time—I am speaking subject to correction. He went on to say that that part of the order being cancelled, the hon. Member of Parliament was entirely at liberty to come back to Delhi or to this House if he wanted. It is unfortunate that we do not take a human view of this matter. Human considerations apparently do not govern some of our actions. A Member of Parliament, or any person for that matter, on fast for ten days, is removed under such conditions on a long journey. The Government volunteer or offer to bring him back at their own expense. But, is it human? Is it humanly considerate to expect that a person who has been on this long fast will be in a position physically to avail himself of this facility and the offer made by the Government? Today's papers give the news, I do not vouch for the accuracy of the report, of a statement by Mr. Shibban Lal Saksena at Lucknow. The strain of the journey in a second class compartment has been too much for him after a ten days fast. Under these conditions, how can anybody expect him to undertake a return journey to Delhi? It is physically impossible for him to come back to Delhi. That is to say, the order as it was passed by the authorities for the arrest and removal of a Member of Parliament from Delhi has been completely executed. If the Government is now willing to bring him back to Delhi, it does not make any difference. After the order was executed and he was removed outside the limits of Delhi, a part of the order was cancelled. Both these facts of the arrest and removal of my hon. friend Mr. Shibban Lal Saksena are, in my humble judgment completely, unequivocally, unquestionably established.

[Shri Kamath]

I come now to the second part, that this action by the Executive against the Member of Parliament, which has entailed a breach of Privilege, was never communicated to the House or to you.

The Minister of State for Transport and Railways (Shri Santhanam): On a point of order, Sir, the hon. Member has not even mentioned that there was a breach of Privilege at all.

Shri Kamath: I am coming to that.

Pandit Maitra: His whole case is based on the question of Privilege.

Mr. Speaker: Order, order.

Shri Kamath: I am sorry the hon. Minister for Railways is impatient. I wish he were as patient as his Railways. I shall now come to the question of privilege on which my hon. friend Santhanam is so very keen. I hope he will listen to me with some attention at least, if not all attention.

12 NOON

The Constitution which we adopted in November and which was promulgated last month has explicitly laid down, unambiguously, clearly, beyond all doubt that for the time being the Privileges, immunities and rights of Members of this Parliament shall be the same as those enjoyed by the Members of the House of Commons in the United Kingdom. In the light of this, let us examine whether there has been a breach of Privilege of Members of this Parliament.

After all, there is no compendious book on the subject. The point was raised in the Constituent Assembly by not merely myself, but I believe by Pandit Maitra, Shri Sidhva, Dr. Deshmukh, as to whether the members of the Drafting Committee would be so good as to supply us with a handbook or at least a list of all the Privileges of the Members of the House of Commons. The hon. Dr. Ambedkar, who was piloting the Constitution at that time, said that there was no such book. It is more or less case law and one has to delve deep into books such as May's Parliamentary Practice and other cognate literature on the subject. Therefore, you will pardon me, Sir, if I also relied for my purpose on this authoritative book which is now famous in all Parliamentary Democracies by the name of Sir T. Erskine May's Parliamentary Practice. I am reading from the 1946 Edition of this Book. I believe there has been no subsequent edition.

The case law on this point so far as Privileges of Members of the House of Commons are concerned, has evolved during the last three centuries, or perhaps even more. Originally, the Privilege of freedom from arrest was limited to civil cases and was not allowed to interfere with the administration of criminal justice; only in cases of treason, felony and breach of the peace, there was no Privilege of freedom from arrest or immunity from arrest. My hon. friend Mr. Shibban Lal Saksena has been arrested under a preventive law and he has been subjected to preventive arrest and, may I also use the word, preventive removal from Delhi. He has committed no overt act. He has committed no breach of the peace. He has been removed with a view to preventing him from committing a breach of the peace. The order served on him refers to preventing him from acting in any manner prejudicial to public safety or maintenance of public order. The House of Commons law used to refer to immunity from arrest in cases of treason, felony or actual breach of the peace. No such thing has happened in this case. As I said, he has been arrested under a preventive law. What exactly is the position when a Member of a sovereign Parliament is arrested under a preventive law? In the United Kingdom several Special Acts have contained provisions to the effect that

no Member of Parliament shall be imprisoned during the sitting of Parliament until the matter of which he stands suspected shall be first communicated to the House of which he shall be a Member and the consent of the said House obtained for his commitment. That is for Special Acts.

It may be argued that this is not a Special Act but the ordinary law of the land. On a more liberal estimate of the case, I venture to suggest that this is a special law for an emergency. In such cases, what is the position? It has been usual in the House of Commons in such cases when a Member is kept in custody, to communicate the cause of his commitment or the grounds on which he was arrested, after his arrest. That was the position till some years ago. Later on there were some cases under a special law, the Defence of the Realm Act, DORA as it was called, and the regulations passed thereunder. There also, in the case of four Irish Members of Parliament, a communication on their internment order under Regulation 14B of the Defence of the Realm Act was made to the Speaker by a letter from the Chief Secretary and it was read to the House by the Speaker. This was as late as 1918. Sir, I venture to suggest that in this case there has been no communication of whatever nature by the authorities concerned to you and through you to the House, until the matter was brought before the House by a private Member or two private Members by way of adjournment motions.

Shri T. T. Krishnamachari (Madras): The Government had no chance to communicate.

Shri Kamath: My friend, Mr. T. T. Krishnamachari, seems to be anxious in a particular direction. May I ask, was it not the duty of the Government to communicate the fact of his arrest to you, Sir? He was removed, according to my information at 3 o'clock or 4 o'clock in the morning, and this House met at 10-45 A.M. If the fact and the grounds of his arrest had been communicated to you, Sir, I am sure that as the guardian of the Privileges of this House, as you have always been, you would have lost no time in telling the House that such and such a Member had been arrested on such and such grounds and he was therefore not able to participate in the proceedings of the House.

Pandit Balkrishna Sharma (Uttar Pradesh): On a point of clarification, my hon. friend was saying that he was quoting from May's Parliamentary Practice. There it is very clearly laid down:

"Thus the House will not allow even the sanctuary of its walls to protect a member from the process of criminal law; though, as has been mentioned, service of a criminal process on a member within the precincts of Parliament, whilst the House is sitting, may be a breach of Privilege."

Further it reads:

"But in all cases in which members are arrested on criminal charges, the House must be informed of the cause for which they are detained from their service in Parliament."

Mr. Speaker: Order, order. He need not argue that point. That observation is limited only to arrests in pursuance of any criminal proceedings. The hon. Member is making a distinction between civil detention, criminal detention, civil arrest, criminal arrest and preventive detention. The subject matter before the House for its consideration is the question of preventive detention. That point is clear.

Shri Kamath: I am very grateful to you, Sir, for the clarification of the matter at issue that you have given just now. As I have already stated and explained to the House, the fact of his arrest and removal and now the *de facto* detention outside Delhi, is there. Maybe the order has been partially revoked, but it is only a paper cancellation; the Member of Parliament has

[Shri Kamath]

not been brought back and the *status quo* has not been restored. Therefore, the order of cancellation of expulsion from Delhi has not been given effect to, and therefore a Member of Parliament is detained and is prevented from attending Parliament because of a certain action taken by the executive. This cancellation order is just like breaking a man's bones and then trying to apply some ointment or administering him a strong dose of poison and then giving him an antidote. This is not revocation at all. The latest case, I think, is that of Captain Ramsay, a member of the British House of Commons. He was detained in 1939 or 1940 soon after the outbreak of the Second World War. The matter was brought up before the House and the House appointed a Committee of Privileges to go into the matter whether his detention and forced abstention from service in Parliament was right, was legal, or amounted to a breach of the Privileges enjoyed by Members of Parliament in England. That Committee examined the matter thoroughly and came to this conclusion. This, in lawyers' parlance, is the latest case law on the subject.

The Minister of Law (Dr. Ambedkar): It is preventive detention, is it not?

Shri Kamath: These are the remarks made by the Committee in the course of their report, their findings are:

"Parliament has always maintained the right to be informed of the arrest of one of its Members....."

It is a question of not merely detention. Even if he is arrested, it is communicated to the House at once, immediately.

"Parliament has always maintained the right to be informed of the arrest of one of its Members, and in cases where the arrest is excepted from Privilege, the position is in Your....."

"Your" meaning the Speaker's.

"....Committee's opinion correctly stated by Blackstone. He says: 'The chief, if not the only, Privilege of Parliament in such cases seems to be the right of receiving immediate information of the imprisonment or the detention of any Member with the reasons for which he is detained'."

This means that the fact of the arrest and the reasons for the arrest must be communicated at once to the House. Neither was done in this case. The Committee goes on to say that in the particular case in question, the Home Secretary sent a communication to the House immediately after his arrest and detention, and inasmuch as there was a communication to that effect, the Committee of Privileges appointed to go into the matter held that there was no breach of Privilege. Since the Government or the Home Secretary communicated to the Speaker of the House of Commons the fact that Captain Ramsay had been arrested and detained under a preventive law, the Committee held that there was no breach of Privilege in that case. Otherwise, I am sure from the trend of the report, if the Home Secretary had not communicated this to the Members of Parliament the Committee would have come to the conclusion that there was a breach of Privilege and the offender would have been brought to book. The Committee observe:

"Preventive arrest under statutory authority by an executive order is not within the principle of the case to which the Privilege from arrest has been decided to extend. To claim that the Privilege extends to such cases would be either the assertion of a new parliamentary Privilege or an unjustified extension of the existing one."

But this much did happen in that case: the arrest and detention and the scope of the order were communicated to the House. It was not done in this case. And, inasmuch as the Privileges and immunities enjoyed by us today

are co-terminous, co-extensive and identical with those enjoyed by the Members of the House of Commons, I must say that the Executive here acted in such a manner that it amounted to a breach of Privilege enjoyed by a Member of Parliament of this sovereign democratic Republic of India. I therefore suggest that, with the least possible delay, a Committee of Privileges must be appointed by you, Sir, which will examine.....

Shri J. N. Hazarika (Assam): On a point of order, Sir. In that case no criminal charge was made. The Committee of Privileges reported that the Home Secretary's action was not a breach of Privilege, though it would have been otherwise if a Member had been detained for words spoken in the House.

Mr. Speaker: Order, order. It only amounts to an argument. It is not a point of order.

Shri Kamath: I appeal to you and to the House that the least that could be done in this case is that as soon as possible a Committee of Privileges should be appointed to examine this matter thoroughly, summon witnesses and the magistrate who passed the order or other authorities concerned and report. If the Committee is satisfied that there has been a breach of Privilege of a Member of Parliament, the least that should be done to uphold the Privileges, and the prestige of this House and your honour—the order was not communicated to you, Sir, and hence your honour is also involved in this case—is that the person responsible for this indignity and outrage should be committed for contempt of the House.

The Minister of Home Affairs and the States (Sardar Patel): In the first place I would like to correct some misstatements that have been made. It is not true that Shri Shibbanlal Saksena was removed in a police van and it is also not true that he was arrested. Some of the facts were narrated by me yesterday. I was not in full possession of the facts at that time, because I learned about this incident only about half past ten in the morning. When I heard about it, the actual order was not with me. I immediately communicated to the Home Secretary that Mr. Shibbanlal, if he is here and not removed, should be removed to his house in Delhi and not anywhere else. But he had already been removed by that time. Immediately I informed the Home Secretary that the order, so far as removal from Delhi or externment was concerned, should be cancelled forthwith and that Mr. Shibbanlal should be informed of the Government's regrets that he had been put to inconvenience. It was not the intention to extern him from Delhi. The intention was that he should not fast at that place as he was advised by the Prime Minister also. By means of a letter written to me on the 27th February, the previous day, Shri Shibbanlal reminded me of his previous letter asking for my blessings. As I said yesterday, I was embarrassed, because I am not so spiritually trained as to give advice on matters of fast. So I did not want to embarrass him and did not give a reply. In the meanwhile the District Magistrate served this order on him in the morning. The District Magistrate was also thinking about this for the last four or five days. On enquiry I learnt that he had also ascertained about the question of Privilege and was told that no Privilege was involved in this matter. He was anxious not to inconvenience Shri Shibbanlal in the least and, therefore, he first fetched a doctor to examine him. The doctor examined him and certified in writing—that certificate is with him—that he was in a fit state to be taken to Gorakhpore, and that if he wants to he can travel that distance without any injury to his health. After that he brought an ambulance car and asked Shri Shibbanlal to get into it. But Shri Shibbanlal Saksena said that he was not willing and that, if he was directed, he would go. So the order was served on him and, without any resistance and without any arrest and without any physical force, he went

[Sardar Patel]

into the ambulance car and he was taken in it. There was a doctor with him throughout the journey. At the intermediate stations it was impossible to contact him. But, as soon as he reached Lucknow station, before he got down from the car, he was informed by the District Magistrate that the latter portion of the order regarding externment from Delhi was cancelled. The District Magistrate had also been asked to communicate the regret of Government. I have myself written a letter to Shri Shibbanlal immediately I heard about this. Although I was not in a mood to answer his question about his fast, when I learnt about this order, I sent him a letter.

Now, the District Magistrate has informed him that the Government's orders were that the portion of the order regarding externment was cancelled and he is free to go back. If he likes it we will make all arrangements for taking him back. The Civil Surgeon of Lucknow examined him and said that Shri Shibbanlal was in a fit condition. But then Shri Shibbanlal said that he would like to go to his house in Lucknow and would decide next day as to what he would do afterwards. So, up to now, he has been informed that if he is willing to go back, he will be taken back and that all the arrangements he would like to make would be made.

When he was taken from Delhi he wanted that one of his men should accompany him in the compartment. This was allowed. If he had resisted the removal, it is a question what the District Magistrate would have done. He would not have used force, but he would have prosecuted him for breach of the order and subsequently other things would have happened. But it is not true that he was arrested or any force was used. I do not want to take shelter under technical grounds. What I want to inform the House is that no breach of Privilege is involved. Immediately I found that it was an improper order, I countermanded it through the Home Secretary and it was communicated to Shri Shibbanlal Saksena as soon as it was possible to do so. Also our regret was communicated to him. Further amends was not possible in this matter.

I am glad that the House is so anxious about the preservation of the Privileges of the Members of the House. The Government, more than anybody else, would be anxious to protect the Privileges of the House and of its Members. As soon as rules are made and communicated to the Government, they will see that every care is taken to see that no breach of Privilege takes place. In this particular case, all courtesy due to a Member of this House was shown to Shri Shibbanlal Saksena and the District Magistrate himself ascertained about four days ago—seeing that trouble was increasing he anticipated this removal—that no breach of Privilege was involved. He had guarded himself against this possibility by consulting others.

Now these are the facts of the case. It is unfortunate that in the long history of the British Parliament nobody chose to fast and there is no precedent for a guide. Here for the first time this question has arisen. As soon as our rules are framed I may assure the House they will be respected. In fact I am anxious that there should be clarification of all the privileges that may be due to the Members of the House. I do not know what the Drafting Committee's discussion was to which my hon. friend Mr. Kamath has referred...

Shri Kamath: Dr. Ambedkar is a part of the Government.

Sardar Patel: As soon as we came to know of it we countermanded the order. There is no question of keeping it secret from the House or the Government not informing the House or the Speaker, because the matter was not to our knowledge before we came here. When we came here we came here

countermanding the order. So there was no such intention and there was no such question. The House may rest assured that no attack will be made and no infringement of the Privileges of the Members of the House will be made by the Executive.

Shri Kamath: On a point of fact may I know if Mr. Shibban Lal Saksena was taken in an ordinary second class or first class compartment?

Sardar Patel: I have no information yet. I do not know.

Shri Kamath: The hon. Minister said that he was taken in a first class compartment.

Shri Hanumanthaiya (Mysore): May I know, Sir, whether you have received any communication from Mr. Saksena either by letter or by telegram complaining that he was treated with discourtesy or in an offensive manner...

Mr. Speaker: I have had no communication.

Sardar Patel: Mr. Shibban Lal Saksena had no intention of coming to Parliament. He was incapacitated and he himself says that he was not in a fit state. There was no intention of committing a breach of Privilege of the House or to prevent him from attending the House.

Syed Nausherali (West Bengal): From what has just now fallen from the hon. Sardar Patel there is not the least doubt in my mind and I hope in the mind of anybody here that the Government acted from the best of motives and with the clearest conscience possible. But that does not in the least absolve the responsibility of the officer who took upon himself the task of passing an order and getting it executed without giving due notice to the Speaker or this House. The fact remains that an order was passed purported to be under a Special Act. I do not propose to go into the legality or the regularity of this order. That is palpable on the very face of it. But what I propose to emphasise is that this order was actually executed and it appears, even without the knowledge of the Government, sitting here, in the very heart of this city of Delhi. It was not a case of a distant town or city but it was in the heart of this metropolis of India, where the Parliament was in session at that very time. I doubted very much whether this could have been done without the knowledge of the Government. Naturally the doubt came to the mind of everybody, but after what has fallen from the hon. Sardar Patel nobody will doubt that this has been done by the magistrate on his own responsibility. It appears to me that there has been a clear breach of Privilege of a Member. The Member was here fasting peacefully at a place held sacred by the entire nation.

Now fasting itself has been taken by some as being of a religious nature, in view of the fact that the Father of the Nation had often fasted for attainment of political objects like this.....

Mr. Speaker: I am afraid the hon. Member is going into the merits of the whole position. He need not go into that. We are concerned only with Privilege. Otherwise the argument will be endless.

Syed Nausherali: I stand corrected. My point is that the Member was here: this House was in session. He had a residence of his own, I think a rented house given by the Government for his residence here. He decided to undertake the fast at a particular place. The Government did not like that the fast should be undertaken at that particular spot. Now the magistrate takes it into his head to pass an order, directing him not to fast at that particular place, to remove himself immediately from that spot and to remove himself outside the city of Delhi to somewhere else. We cannot forget that

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the main operative part, in fact practically the whole of this order, had been executed. The question of Privilege, arises in this way that the Member could come and attend the sitting of this House any time he liked, whether he was on a fast or after terminating his fast. He could come if he had been here and he was prevented from doing that.

It has been stated by Sardar Patel that there was no arrest. I submit most respectfully that the facts as stated by himself constitute legal arrest. He was completely under arrest. That he was taken in the best of cars in the world does not matter in the least. He was taken in the best way with all care perhaps, because he was a Member of the House and due consideration was shown to him, which of course, has been denied. But all that to my mind is absolutely irrelevant for our purposes. The relevant fact is that he was arrested. The relevant fact is that he was taken to the station and removed from Delhi, which meant that he could not attend the sitting of this House, even if he had desired it. The question boils down to this. It was an order of preventive detention. Let us assume for the sake of argument that the order was all right and legal and further that the mere fact of detention did not constitute any breach of any Privilege. Sir, I submit most respectfully that the other relevant fact, that it was never communicated or even intended to be communicated to this House constitutes breach of the Privilege. The hon. Member was also arrested and removed. All these facts taken together, I submit respectfully, constitute a gross violation of the Privilege of a Member of this House. If Sardar Patel is sincere and I take it he is.—I take it also that the entire Government is sincere,—I would request the Government to give their consent for the appointment of a committee for an enquiry into this matter of Privilege. That will indicate the real sincerity and clearness of conscience of the Government in this matter. I would request that they give their consent in this matter. (*Interruption*). My friend tells me that the consent of the Government is not needed for this purpose. I know that it is not needed and that it is for you to appoint that Committee. But knowing all that, I was just appealing to the other side—I mean the Government—to give their consent so that it will be known that not only the non-official Members of this House but the entire House, including the Government, is anxious to see that the dignity of the House is maintained and that the Privileges of the Members of this House are not lightly interfered with by the subordinate executive authorities.

Before I resume my seat I would like incidentally to refer to a question of procedure of this House. Speaking for myself, being a new Member, I am not in possession of the Rules of Procedure and the Standing Orders of this House. I understand the Rules are under print. So we are quite at sea as to what the exact procedure is with regard even to adjournment motions. I happened to be the Speaker of an Assembly and I had often to give my rulings on adjournment motions. But I found that there was a lot of confusion here with regard to the admissibility of adjournment motions. Members were quite at a loss as to what are the exact conditions which have to be fulfilled before an adjournment motion is admitted by the hon. the Speaker.

Shri Tyagi: I am afraid, Sir, that this part of it is rather irrelevant.

Syed Nausherali: Let me finish my submission. I am not dilating on this point. I am not speaking of the adjournment motion here. I referred to it because it came out of the same set of facts. That is why I am making this submission. The point arises as to how a question of Privilege also has got to be brought before the House. That was the question that agitated my mind and you know, Sir, that I approached you on this very question as to how the

question of Privilege has got to be brought before the House, or if it arises in the course of discussion in the House, how and when and in what manner we should rise on a point of Privilege. I was therefore submitting that this question of preparation of a procedure and getting it approved by the House should not be delayed any longer.

Coming to the question of Privileges, article 105 (3) states, that besides the privileges enumerated in sub-clauses (1) and (2),—

"the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution."

Here we have got to fall back upon the powers, privileges and immunities of the House of Commons. I was not here when the Constitution was passed. My friends have complained that this article ought not to have been drafted in the way in which it has been done and that the Privileges should have been defined.

Shri Goenka (Madras): Can we go back into it now?

Syed Nausherali: I am not questioning it now. What I am appealing for to you, Sir, and to the entire House, is this that we should no longer keep these things vague. It is desirable that legislation should be undertaken as early as possible to define the Privileges of this House.

Before I resume my seat I have only to make two requests. One is this. I presume that it is for you or the Secretariat of Parliament to take the initiative in regard to the framing of the Rules of Procedure. If that is so, I would request you to take the earliest possible opportunity of framing the Rules and getting them approved by this House.

As regards the other matter, I am not quite sure what the procedure should be. But presumbaly it would be the duty of the Government to bring up legislation defining the rights, powers, privileges and immunities of both the Houses of Parliament. I would appeal to the Government to bring in this legislation early.

Finally, Sir, I would only request you, especially as this matter has come up soon after the inauguration of the Constitution, to appoint a Committee of Privileges to go into this matter to see whether there has been any breach of Privileges, and, if there has been any, what action should be taken by this House.

With these words I support the motion moved by my hon. friend Mr. Kamath.

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru): I only wish to say a few words in this connection. The hon. Member who has just spoken referred to Government consenting or agreeing to something—to the appointment of a Committee of Privileges. Of course, he corrected himself. There is no question of that, and the Government is entirely in your hands and in the hands of the House, in this as well as in any other matter. They have the least objection to a Committee of Privileges, general or special, being constituted.

In this particular matter, if I may say so with all respect to the House, it is gratifying to me that the House should be so interested in maintaining its Privileges and the Privileges of its Members. And, as my colleague the Deputy Prime Minister said, certainly no member of Government is any the less interested in maintaining those Privileges. Something has happened, and

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there can be little doubt that if mistakes have been committed—and I think inadvertently—the Government, of course, is responsible for every mistake. I entirely admit that responsibility, though neither the Deputy Prime Minister, nor I, nor any other member of Government was aware of what has been done—the exact nature of what has been done—till actually the House itself met here, or slightly before that, yesterday. But the question in another shape matters. The action that Mr. Shibbanlal Saksena has taken was before us, was before me, for some days previously. I was rather surprised to listen to the hon. Mr. Nausherali's reference to this fast as something religious and that it became doubly religious.....

Syed Nausherali: I would withdraw my remarks about fasting if that has offended anybody's feeling.

Shri Jawaharlal Nehru: There is no question of withdrawal. I am commenting on the remark itself. So far as I am concerned, and so far as the Government are concerned, they have the strongest objection to hunger strikes anywhere. They do not consider them religious: they consider them anti-religious, pernicious, objectionable, which should be stopped. And we think that this business of trying to bring in Mahatma Gandhi into this picture and exploiting his name for any petty objection or petty matter is highly objectionable from the public point of view as well as from the private point of view.

Secondly, the idea of starting this fast at Rajghat appeared to me, if I may say so, not only the height of unwisdom but objectionable to an extent that amazes me. It was desecration of that place, I say, and I say so definitely—it was desecration of that place.

Mr. Speaker: May I point out to the hon. the Leader of the House that that question relating to the fast will not be relevant to the present discussion?

Shri Jawaharlal Nehru: I stand corrected. What I was really referring to, as a matter of fact, was that when the matter of this fast was brought before me—Mr. Shibban Lal wrote to me—I advised him strongly, I said, he can certainly fast, that is none of my concern, but I advised him strongly not to go to that place. Subsequently, in another connection again that communication was sent, not on my behalf but from others. It was our opinion that he should not remain there. There was no question of his arrest or his removal from Delhi, or anything else. It was becoming a matter of difficulty. Not only had a tent been put up there, the place became gradually something entirely different from what it is. Now, a certain error was, I entirely agree, committed.

Shri Kamath: Blunder.

Shri Jawaharlal Nehru: Mr. Kamath no doubt knows the English language better than I do.

Shri Kamath: It is a matter of fact, not of language.

Mr. Speaker: Order, order.

Shri Jawaharlal Nehru: And for that the Deputy Prime Minister has expressed his regret to Mr. Shibban Lal Saksena himself. And for my part, I certainly would like to express my regret and the Government's regret to you, Sir, specially and to this House, that this blunder was committed by any officer of Government in this respect. As for the rest, if you or the House considers that the matter should be gone into by a Committee of Privileges, I have the least objection

Shri A. P. Jain: After the Prime Minister has spoken I feel a little embarrassed to speak I quite agree that in this matter there is no question of Government and other Members. Both the Government and the private Members are equally and sincerely interested in upholding the Privileges of the House, and of all the persons present here, you, Sir, are the biggest custodian of the Privileges of the House and of its Members and we depend upon you to protect the Privileges of not only this House but also of the individual Members.

Now, I agree with the conclusion of Mr. Kamath that the question of the Privileges of Members of the House is involved, though I cannot subscribe to the arguments which he advanced in support of his case. There are two questions involved. Firstly, whether you call it arrest or you call it physical restraint placed upon Mr. Shibban Lal Saksena; and secondly, the failure to inform you and through you this House. These are the two questions. So far as the second question is concerned, namely, that this House was not informed through you, I think the matter is prefectly clear. The case of Mr. Ramsay supports it, and it is the latest law on the point. It says that immediately after a Member of the House has been arrested, that information must be sent to the Speaker and the Speaker should convey that information to the House so that the House may see whether one of its Members is arrested or held back in violation of the Privileges of this House and thus deprived from performing the functions which are laid upon him as a Member.

The other point is of Mr. Shibban Lal's arrest or being put under physical restraint. What had happened was that Mr. Shibban Lal was not only in the legal term but also in the ordinary dictionary meaning, arrested. I have the Oxford Dictionary before me and it defines arrest as legal apprehension or legal restraint. Sardar Vallabhbhai Patel has said before the House that Mr. Shibban Lal did not want to leave Delhi of his free will but he was prepared to submit to an order. When the Deputy Commissioner gave the order, he obeyed the order and was taken in an ambulance or in a lorry, whatever that may have been, and then he was seated in a train and sent to Lucknow. I submit this is an arrest both within the term 'arrest' as understood in its legal implications as also in its dictionary meaning. But there is another point involved. Whatever the Deputy Commissioner has done, did he do under any law or did he act as a person possessing no legal power? My submission is that the Deputy Commissioner had no legal power at the time to pass an order of the nature which he did. The reason is this. The East Punjab Security Act under which the District Magistrate purports to have acted expired at 12 o'clock on the night of the 25th; from that time that law does not exist on the Statute Book. The House will remember that the hon. Home Minister on Saturday last presented a Bill before this House and the grounds which he advanced while presenting that Bill were that the local Safety and Security Acts passed by the State Legislatures had expired before the day of the inauguration of the Republic, that is at 12 o'clock on the night of the 25th. That is not only what the hon. Minister said, but there is a definite ruling of the Calcutta High Court published in yesterday s papers. The West Bengal Security Ordinance was under dispute there.....

Mr. Speaker: May I point out to the hon. Member that he need not go into the details of the argument. He has just made his point that, in view of the High Court ruling and the statement made here, there was no legislation at that time under which the District Magistrate could legally act. I think that is enough for our arguments.

Shri A. P. Jain: I will not go any further into the arguments. My point is that the District Magistrate did not act under any legal authority. I quite concede the contention that preventive arrest under statutory authority, by

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executive order, is not within the principles of the case to which the privilege from arrest has been decided to extend. If the Deputy Commissioner was possessed of the legal power he could have arrested Mr. Shibban Lal—I believe in this the officer has exceeded legal powers even if he had any. But my submission is that he was not possessed of any powers and he acted like any other citizen of this country who could have prevented Mr. Shibban Lal from performing his functions as a Member.

I want to refer to another point. What are the privileges of a Member of this House? They are similar to those of the U.K. Parliament today. I will refer to Sir Erskine May's Parliamentary Practice, page 108, wherein he says:

"It would be vain to attempt an enumeration of every act which might be construed into a contempt, the power to punish for contempt being in its nature discretionary.....".

Shri T. T. Krishnamachari: On a point of order, Sir. It has been very clearly laid down that the only type of Privilege that can be raised is whether notification either to the Speaker or the House itself has been made of the arrest or not. If the hon. Member confines himself to that particular point, the absence of legal sanction will not be a subject-matter for examination. There is no point in entering into other issues.

Mr. Speaker: I agree with what the hon. Member has suggested. The only point is whether, in this particular instance, there is a *prima facie* case of breach of Privilege.

Shri A. P. Jain: That is exactly what I am coming to. I am not going beyond that. It is laid down.

"Certain principles may, however, be collected from the journals which will serve as general declarations of the law of Parliament."

The next portion is important:

"It may be added that any other act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence (a)."

My submission is this. Every Member of Parliament is entitled to attend the sittings of this House. Yesterday, when he was arrested, the House was in session. From the medical evidence it is clear that Mr. Shibban Lal was fit enough to undertake a journey of about 500 miles from here. If that was so despite his fast for ten days, he could have come to this House. The breach of Privilege lies in this, that, by the action of the Deputy Commisioner, Mr. Shibbanlal was deprived of his right to come and attend and sit in this House and take part in the proceedings here. That is my submission, and I will end there.

So far as failure to give information of arrest is concerned, I will not repeat the arguments of Mr. Kamath or Mr. Nausherali. The question is as to what we should do now. After the statement of the hon. the Prime Minister expressing regret to this House and after the hon. the Home Minister's sending a letter of regret to Mr. Shibbanlal and the cancellation of the order, my submission is that this House should not proceed further in the matter. I am now coming to precedents.

Shri Kamath: Apologies will not do. Let a Committee examine it.

Shri A. P. Jain: There is a case reported on page 135 of May's Parliamentary Practice, which runs as follows:

"Where, after the House had made an order for the attendance of the parties incriminated by a report, a petition was presented to the House from the offenders acknowledging their offence and expressing their contrition for the same and entreating the House to dispense

with their attendance on the House and accept their submission and apology, the House resolved that in consideration of the petitioners having acknowledged their offence and expressed their contrition for the same, the House was content to proceed no further in the matter, and the order for their attendance was discharged."

Shri R. K. Chaudhuri: The Deputy Commissioner is not an offender.

Shri A. P. Jain: The position is this. An officer of the Government, namely, the Deputy Commissioner of Delhi did a certain act and in that he erred, as the hon. the Prime Minister has said—not only that he erred but that he blundered. The hon. the Prime Minister has expressed his regret to the House (*Interruption*).

Shri Sidhva (Madhya Pradesh): And also expressed regret on behalf of the Government.

Shri A. P. Jain: Yes, and the hon. the Home Minister has sent a letter of regret to Mr. Shibban Lal. In this particular case, the offence is admitted.

Shri R. K. Chaudhuri: Not by the Deputy Commissioner.

Shri A. P. Jain: I am coming to that. Indeed, the Home Minister has taken the responsibility upon himself.

Some Hon. Members: No, no.

Shri A. P. Jain: Certainly he has done, and the Home Minister is responsible for maintaining law and order in the entire area directly under the Central Government. His regret to the House is a much greater thing than the regret expressed by a smaller person—a mere Deputy Commissioner of Delhi. I agree that a breach of the Privilege of the House has taken place. The Privilege has been very grossly violated. The Deputy Commissioner has acted against the law. He has not cared at all for the convenience on safety of a Member of this House. But in spite of all that, I submit most respectfully that the expression of regret that has come from the representatives of Government should be accepted. The question of appointing a Committee for determining the privileges of the House still remains—not for this particular case, but in order generally to deal in matters of Privileges of the Members of the House. I have done.

Shri Tyagi: I want to put a question to you, Sir.

Mr. Speaker: It is time for us to adjourn. I want to know whether it is the wish of the House to pursue this matter any further.

Some Hon. Members: No, Sir.

Mr. Speaker: All the matters have been practically clarified.

Shri Tyagi: But one point has not yet been clarified. It pertains to the Chair itself. I agree with Mr. Ajit Prasad Jain that this matter is now practically closed, but there remains still one matter to be clarified. From the statement of the hon. the Home Minister, I find that before the Deputy Commissioner took this action, he consulted some official here and found out the position. I want to know whether it was the Secretary, *i.e.* the Clerk of the House, or you, Mr. Speaker, who gave him the permission and stated that no privilege was involved. Some information went from the Parliament Secretariat itself, in that case; and the House wants to know as to who was the
1 P. M. person responsible for indicating to the Deputy Commissioner that no question of Privilege was involved. If permission went from the Speaker or the Speaker's Department, in that case, the Deputy Commissioner would be faultless and the fault would be that of the officer who had given the permission and indicated that privilege was not involved. This should be ascertained before the House takes any action.

Mr. Speaker: I wish at once to say that there was no such instruction or permission from this House. Absolutely none.

Pandit Thakur Das Bhargava (Punjab): There is one more point. It is this. The matter may or may not be closed. It lies with the House to close the matter or not. But I would like to know from you, Sir, whether, in so far as the question of determining the Privileges of the Members of this House is concerned, it is the opinion of the House which counts or your ruling? Or, is it that ultimately a Committee is appointed and it submits its findings saying, "These are the privileges of the Members of the House"? After all, the whole of this debate was to find out what are the Privileges of Members of this House, and unless the Privileges are established, I do not quite know how we can proceed. I do not care what happens to the Deputy Commissioner. I am anxious that the Privileges of this House and of its Members should be established. Whether it is to be done by the appointment of a Committee or by yourself alone, Sir, is a matter for decision. I respectfully beg of you to appoint a Committee. But if you are of the opinion that your ruling on this case will establish the Privileges of the House for the future in regard to the matter in issue, I would be quite content if the Committee is not appointed for investigating the matter.

Shri T. T. Krishnamachari: I think that the purposes which my hon. friend Bhargava has in mind have been amply served by the discussion in this House.

Several Hon. Members: No.

Shri T. T. Krishnamachari: Really, the point is a very narrow one. The only privilege that we can possibly claim is that a notification of the arrest of a Member should be made to you, Sir, or to the Secretary of the Parliament, so that Members may be informed. But that question has, in this case, been dropped in view of the fact that there has been a subsequent rescinding of the action by Government.

Some Hon. Members: No.

Shri T. T. Krishnamachari: The point is this. We have acknowledged the Privilege, and the principle has now been made very clear that in all future cases Government will have to inform the House of such action. If this has been accepted by the House, I see no reason why any Committee of Privileges should be appointed except for the fact that we may get a notional satisfaction of having appointed a Committee.

Several Hon. Members: No.

Shri R. K. Chaudhuri: May I submit that.....

Mr. Speaker: Order, order.

Shri Tyagi: But my point has not been replied, Sir.

Mr. Speaker: I replied. The hon. Member did not, perhaps, hear me.

Shri Tyagi: The hon. the Home Minister made a statement that the Deputy Commissioner ascertained.....

Mr. Speaker: He need not repeat it. I am very sorry he has not heard my reply. I plainly stated that there was no such permission from, or consultation with, the Clerk of the House. Well, Mr. Chaudhuri?

Shri R. K. Chaudhuri: What I was going to submit is this. If you are convinced of the necessity of having a Committee, then we need not carry on the discussion further. If, however, you are not convinced, then you may kindly give us an opportunity of speaking on this matter. Are you going to appoint a Committee?

Mr. Speaker: I cannot understand the request of the hon. Member. He says that if I am not satisfied, then a Committee should be appointed.

Shri R. K. Chaudhuri: No, Sir. I said that no further discussion is necessary if you are convinced, after hearing the speakers who have so far made submissions, that a Committee should be appointed. If you are not convinced, then I would respectfully request you to kindly give us an opportunity of saying what we want to say.

Shri Kamath: That is reasonable.

Mr. Speaker: I am prepared to give every opportunity if new points are likely to be made out. I find there is only a repetition of the same thing—of course, the words are different. If the House wishes to have more time.....

Some Hon. Members: No, Sir.

Shri Kamath: We want more time.

Some Hon. Members: Yes, Sir.

Mr. Speaker: I am just ascertaining the wishes of the House. I have no objection to giving more time if the House really wants it. By the House, I mean a substantial majority of the House. If they would like to carry on further discussion, as it appears to me, I have no objection. The House will not forget that the time that is being taken up for this discussion is the time that they will have to forego, so far as the cut motions on the Railway Budget are concerned. However, if it is the desire of the House to have more time, I am prepared to consider the matter. I am not in a position to give my decision just now, because I must take into consideration all that has been said. If it is the desire of the House that the matter may be dropped here, then, of course, we need not proceed further.

Shri Sidhva: May I submit, Sir, that as far as this particular question is concerned, the matter has been thoroughly discussed, and in view of the regret and apology—the unconditional apology—that has come from the Government through the Prime Minister, I think that the chapter should be closed. As far as the general question of Rights and Privileges of Members is concerned, at least speaking for myself, there is no occasion that has arisen for the appointment of a Committee. As far as the question of Privileges of Members is concerned it is a very urgent matter. Other occasions may arise and it will be embarrassing to you, Sir, to give your ruling in view of Article 105, clause 3. Government have stated, the hon. Minister has stated that they are anxious to safeguard the Privileges of the House. So instead of a committee being appointed to consider the subject, I would suggest that the Government should bring in a Bill, in pursuance of article 105, clause 3, and the existing Privileges in the House of Commons. Let it be considered by this House very soon and let the Bill be passed into law. That would be a better course than appointing a committee and then bringing up the report of the committee. All that will take a long time.

In the 1935 Act, under the same clause, some Provincial Assemblies have framed Acts for the Privileges of the Members. Therefore, what I mean to say is, that this is nothing new. You can bring in a Bill to this effect. It will not take much time either. The hon. Law Minister is conversant with the whole thing and he can bring in such a Bill.

Mr. Speaker: I want to know if it is the idea of Members that they will again address the Chair over the same question.

Prof. K. K. Bhattacharya (Uttar Pradesh): Yes, we want to bring in new points.

Mr. Speaker: Then, the only course for me is to adjourn the House. We will meet at 2.40 p.m. instead of at 2.30.

The House then adjourned for Lunch till Forty Minutes past Two of the Clock.

The House re-assembled after Lunch at Forty Minutes past Two of the Clock.

[MR. SPEAKER *in the Chair*]

Pandit Balkrishna Sharma: Sir, may I for your kind consideration submit one suggestion? In view of what has fallen from the hon. Deputy Prime Minister as well as what the hon. Prime Minister has said, I think the House will be well advised in altogether dropping the motion which has been moved by my friend Shri H. V. Kamath. I submit, Sir, that in view of the generosity and the great charity with which the hon. Deputy Prime Minister has expressed his regret for an inadvertent, so to say, encroachment upon the Privileges of this House, we all must feel grateful and I think it will not serve any purpose whatsoever now to pursue the matter any further.

With these words, Sir, I place this suggestion before you for your kind consideration and the consideration of the House.

Mr. Speaker: There has been no motion before the House. The hon. Member, Mr. Kamath, after my consent, has raised a point of Privilege with a view that I may take that into consideration, and if I find that there is a *prima facie* case, I might proceed with the procedure of appointment of a Committee, as I had stated in the beginning. I have heard hon. Members with reference to that particular point of Privilege. As the discussion has proceeded, I find that one of the hon. Members, Mr. Goenka, wishes to make a formal motion in this respect. I think it would be better, if I call upon him to move his formal motion, so that hon. Members wishing to address themselves on this question can also speak with reference to the motion of Mr. Goenka. I will first, therefore, call upon him to move his motion.

Shri Goenka: I beg to move:

"That in view of the statements made by the hon. the Prime Minister and the hon. the Deputy Prime Minister on the point of privilege raised by Shri H. V. Kamath in the House today, the matter be dropped."

I only want to make one submission. It has been admitted by all sections of this House that this has been an unfortunate incident. The hon. Prime Minister and the hon. Deputy Prime Minister have made it clear beyond all reasonable doubt that it was due to inadvertence that this particular action was taken by probably over-zealous officers.

You, Sir, are the custodian of the Rights and Privileges of this House. You are as much interested in maintaining the dignity, Privileges and the Rights of this House as any of the hon. Members of this House. In your hands our Rights and Privileges are quite safe. I would, therefore, beg of the House to bear in mind what has been said by the hon. the Prime Minister and the hon. the Deputy Prime Minister and unanimously decide to drop this motion. Sir, we have amply fought and stressed the point of the Privilege of the Members of this House and that has been brought home to the Government and to every Member of this House. It is now for us to accept the statements which have been made by the Prime Minister and the Deputy Prime Minister in the spirit in which they have been offered, accept the same and not proceed with this matter any further.

Mr. Speaker: Motion moved:

"That in view of the statements made by the hon. the Prime Minister and the hon. the Deputy Prime Minister on the point of privilege raised by Shri H. V. Kamath in the House today, the matter be dropped."

Shri Kamath: On a point of order, Sir. My hon. friend Mr. Goenka has brought this motion before the House suggesting that the matter raised by me this morning on the point of Privilege might be dropped. You, Sir, were good enough to observe just now that I had not moved any motion, but had only raised a point of Privilege.

Now, the first question that arises in this connection with regard to the motion of Mr. Goenka is, how far a formal motion made in connection with a matter raised on a point of Privilege can be sustained under the rules made by you? That is the first aspect of the matter. The second aspect of the point of order is this. The matter that I raised this morning is a basic point which goes to the fundamentals of this Parliament—it touches the Privileges of Members of this House. The point that arises in this connection is, whether a matter raised in this manner on a point of Privilege can be decided—I do not of course mean to say that it cannot be considered—by a majority vote of the House. I may cite an instance in point. You were good enough to tell the House some time ago that one of the Privileges of the House, that is to say, the one hour allotted for questions, could be dropped only by a unanimous vote of the House. Even if one Member objects to that, it could not be dropped. This, Sir, is a much higher and much more important matter, I believe, which goes to the root of M.P.'s Privileges. I would, therefore, like to know beforehand whether you would allow this matter to be dropped by a majority vote of the House, or by a unanimous vote of the House.

Shri Tyagi: Sir, there are numerous instances in parliamentary practice where an expression of regret had closed points of Privilege. I, therefore, submit that there is no irrelevancy in the motion.

Prof. K. K. Bhattacharya: Sir, I am in full agreement with the proposal of Mr. Goenka that the matter be dropped.

Mr. Speaker: I think I may first dispose of the point of order about the motion.

Shri Goenka's motion refers to the dropping of the matter. As I find it, it does not interfere with the right of the Chair to appoint a Committee of Privileges, if the Chair is inclined to do so. Whatever may be the decision of the House on this particular matter, I may at once make it clear that I have an idea of appointing a Committee of Privileges. This particular motion refers to the question which has arisen now as to whether this incident constitutes a breach of Privilege or not. The Committee of Privileges, when constituted, will necessarily take up such matters as are referred to it, and not any and every matter that is sought to be raised in regard to privileges. The effect of the present motion of Mr. Goenka is that this particular question, the incident, need not be referred to the Committee, in view of what has passed in the House and in view of the statements made by the hon. the Leader of the House and the hon. the Deputy Prime Minister.

I do not see why such a motion could not be moved. It arises out of discussions and statements in the House and any matter of importance can be the subject of a motion and can be permitted by me to be taken up in the House. That is one part so far as the admissibility of the motion is concerned.

The hon. Member Mr. Kamath referred to the analogy of the question hour being dropped. I believe in the former part of what I have said I have made it amply clear that the dropping of this matter or particular incident does not involve any interference either with the right of the Chair or the right of the House,—right of the Chair to constitute a Committee and the right of the House or any Member to raise any question of Privilege. In the matter of question hour, an unanimity is insisted for the simple reason that, when questions are asked, every Member who has put questions has a right to say that

[Mr. Speaker].

his questions shall be put and answered. Unless, therefore, there is unanimity among Members who have put questions, it becomes difficult to accept the desire of even a substantial majority of the House because that would result in the loss of the individual Member's right to put his questions, apart from the right of putting supplementaries. Therefore, to my mind, these two matters are not on the same level and there is a clear distinction between the two. That is as regards the analogy which he has given. I do not think therefore that this motion can be held by me to be not in order or one which cannot be brought before the House. The hon. Member Mr. Tyagi referred to instances. Yes, there are instances of that type. I have before me the sample of a motion.

"Moved to resolve, that this House, having heard the personal statement made by the Lord Strabolgi at its sitting on Wednesday, February 12. 1941, is of the opinion that it is not necessary to inquire further into the matters dealt with in his statement....."

Shri Kamath: What was the matter about?

Mr. Speaker: The matter was one of the Privileges of the House. I will proceed to read:

"but regrets that, having regard to the facts as presented in his own statement, he should have failed to observe that standard of conduct in matters of this nature which the House expects of its Members."

Shri T. T. Krishnamachari: May I submit that the House will find the following passage in May's Parliamentary Practice in page 356 relevant to the question at issue:

"Opposition by a direct vote against the motion involving a matter of privilege is not essential. These motions can be set aside indirectly as for instance by an amendment proposing that the House should pass to the appointed business of the sitting or by an adoption of the previous question."

So a motion by Mr. Goenka suggesting that the House do proceed with the business mentioned in the order paper is adequate.

Shri Kamath: On a point of clarification. In the event of this motion being adopted by a majority vote of the House, will that preclude the Committee which you are going to appoint from referring to this particular case when specifying the Privileges?

Mr. Speaker: This particular case will not be put before that Committee. That is clear.

Shri R. K. Chaudhuri: I want to know whether this question of Privilege can be decided by the vote of the House. If this amendment can be decided by the vote of the House, cannot the Privileges also be discussed? I thought this was the exclusive jurisdiction of the Speaker as to whether to appoint a Committee or not. My second point is whether I could move an amendment to the present amendment which has been brought before the House.

Mr. Speaker: I think on the question of Privilege, the decision thereof is already inherent in the motion that he has given. It says that, in view of the statement made by the hon. Prime Minister and the hon. the Deputy Prime Minister, etc., I do not see how it can be interpreted as otherwise than, if not directly, indirectly admitting the breach of the Privilege. If there was no such thing, there was no occasion for any regret. Therefore the question, to my mind, of this motion being not in order really does not arise at all. He can move any amendment he likes to that, but there is nothing further to investigate now in view of the fact that having heard all the facts, the House does not wish to proceed further with the matter, which does not mean the House decides that there was no Privilege or that there was no breach of the Privilege. Nothing of the kind. That matter is very clear and any further discussion on the question of this particular incident is nothing but taking the time of the House practically to no purpose.

Shri Tyagi: I want to get one more clarification. Is it or is it not the practice of the House of Commons that on such cases of Privilege of the House, they can summon the culprit direct and make him make a statement and then either punish or excuse him because after all it is the House that will finally decide what to do? The House has the right to prosecute and in such cases the House of Commons has summoned people and has finally excused them. Therefore once an apology has been tendered whether at the final stage or initial stage, the House has the right to close the question.

Mr. Speaker: That is what I clearly stated. I may give an analogy. A Court might say 'the summons may be issued and trial may proceed', but if, in between, sufficient amends are made by the person charged, then the Court can as well say that the proceedings be dropped. I do not see anything unusual in that.

Shri Frank Anthony (Madhya Pradesh): I feel constrained to oppose Mr. Goenka's motion purely on the basis of principle. I am not concerned with personalities or details of this case. If I am, I would perhaps be inclined to go further than the Prime Minister and to regard indiscriminate fasting as a form of political blackmail but I do feel that we are confusing issues when we suggest that if this matter is referred to a Committee it will involve even in some kind of censure on Government. I do not think that is an issue at all. I think every Member of this House appreciates and more than appreciate the gesture made by the hon. the Deputy Prime Minister and the Prime Minister in acknowledgings without any qualification that a mistake or even a blunder was committed but the way I look at it is that it would not only be desirable but I think we would be guilty of disservice to ourselves and to you, if I may suggest, if at the very first instance of a case like this comes before this House we seek to establish what I feel may be construed as a precedent. It would be nugatory to my mind and purposeless, later on to appoint a committee of privileges when if a similar case arises, the Government chooses to say we offer our unqualified apologies and the House says—because of the precedent which we are now establishing—"Well in a previous case apology was given and it was accepted and so there was no necessity to refer it to a Committee of Privileges". I feel; since we are in a formative stage, there is no question of any censure against Government to-day being involved. If it is referred to a Committee of Privileges, the Committee itself can—after all we have to set up our own conventions—say that in view of the apology, no further action need be taken.

Shri R. K. Chaudhuri: I beg to move:

"That after the words 'Prime Minister' the following be added:

'and in view of the fact that a *prima facie* case of breach of privilege has been made out on the point raised by Shri H. V. Kamath, a Privilege Committee be forthwith appointed in which this particular point may be discussed and further discussion in the matter dropped'."

Mr. Speaker: Shall I suggest a slight change in the wording?

Shri R. K. Chaudhuri: "In view of the fact that a *prima facie* case is made out, a Privileges Committee....."

Mr. Speaker: "The Speaker may be requested....."

Shri R. K. Chaudhuri: "the hon. the Speaker may be requested to form a Privileges Committee in which this very point may also be....."

Mr. Speaker: Why "also"?

Shri R. K. Chaudhuri: ....."this very point may be discussed and further discussion in the House be dropped."

Mr. Speaker: That is not necessary.

Shri R. K. Chaudhuri: Let me explain the position. Sir, it was rather fortunate that in the House yesterday this point was raised so that it has enabled the Government to clear their position. Otherwise, a lot of false rumours and accusations might have been made against the Government. After what we have heard since yesterday and today, we know that the Government have nothing to do with this order against which complaint is made. Not only that. As soon as this matter was brought to the notice of the hon. Minister in charge, he had forthwith ordered that that order should be countermanded. He has not stopped there. He has gone to the length of sending a written letter of apology to my hon. friend Shri Shibban Lal Saksena. Furthermore, we have heard from the hon. Prime Minister today that they are really sorry for what has happened. Now, the whole country will heave a sigh of relief that this Government has nothing to do with the cruel act done by the District Magistrate and his superiors. My point is this. If it was only a motion for adjournment of the House, the statements which have been made by the hon. Deputy Prime Minister today would have been a complete answer to that, because there was nothing to censure the Government. The question of privileges is an entirely different one. We want to be protected against the vagaries of these officers. We know—my hon. friend T. T. Krishnamachari may not know—how a police officer, how a District Magistrate can make himself objectionable, how his red eyes frighten even the most bold among the public leaders. He may not know, but we know their ways. Whatever the Government might say, whatever the greatest leaders of the country might say, this class of officers known as District Magistrates and police officers, they do not care for public opinion, they do not care at times even to carry out fully and faithfully the orders passed by the hon. Deputy Prime Minister, or a person of his position. Therefore, in order to protect ourselves against the vagaries of this class of officers, I would humbly implore upon you, Sir, to ease our feeling by appointing a Privileges Committee and requesting that Privileges Committee to go into this particular question so that we may feel ourselves protected in future against such vagaries. Although the hon. Deputy Prime Minister has expressed his regret magnanimously, I must say, he has not said a word whether he would take any action against those officers. You, Sir, had said in the beginning that if this order was shown to be illegal, you would have no hesitation in appointing a Privileges Committee. Enough has been said by my hon. friend Mr. Jain to show that this order is illegal. Furthermore, you should remember this fact that in the order they should have given sufficient time for my hon. friend Shibban Lal to remove himself from Rajghat. If he had been given time, very probably, the Government would not have taken any further action. There is a lot of feeling against him so far as his fasting in Rajghat is concerned. If he had only shown his good sense by removing himself from Rajghat, we might not have had anything of this kind. He was given no time. If he had been given time, that would have given him an opportunity of coming to the House and telling you "This was the position. I have been asked to go away; I want to attend this Parliament" and you would have taken some action. On the other hand, but for the adjournment motion you would not have been cognisant of what has happened. You were absolutely deprived of all knowledge of this matter. On the other hand, there is a rumour that the Parliament Secretariat went to the length of saying, which you have denied, that no question of privilege was involved in this matter. I submit that if my amendment is accepted, it would please every section of the House. It will have nothing to do with the Government: not a word to say against the Government. The Government may take any action they think fit against particular officers or they may not take any action. At least you should declare, Sir, that they were not justified in taking the action as they did and that that amounted to a breach of the privilege. Whether you have a committee or not, at least that declaration is necessary that this was against the privilege.

3 P.M.

Shri Kamath: Read your amendment.

Shri R. K. Chaudhuri: I have read it.

Mr. Speaker: I shall place the amendment before the House.

Shri Sivan Pillay (Travancore-Cochin): On a point of order, Sir. Is this an amendment or a new motion?

Mr. Speaker: I am making a little change in the wording. The hon. Member will follow it.

"After the words 'the hon. the Deputy Prime Minister' instead of the words 'Prime Minister', the following may be added :

'and in view of the fact that a *prima facie* breach of privilege is made out, the Speaker be requested to constitute a Committee of Privileges to which this matter be referred.'

and the words at the end, 'in the House today, the matter be dropped.' be deleted."

Shri R. K. Chaudhuri: That is all right.

Mr. Speaker: Amendment moved:

"That in Shri Goenka's motion, after the words 'the hon. the Deputy Prime Minister', the following be added :

'and in view of the fact that a *prima facie* breach of privilege is made out, the Speaker be requested to constitute a Committee of Privileges to which this matter be referred.'

and the words 'in the House today, the matter be dropped.' be omitted."

Shri B. Das (Orissa): Sir, the House has taken two hours today and nearly an hour yesterday to discuss certain breach of Privilege. As one of the older Members of the House, perhaps the oldest Member, I remember the House has discussed the question of privileges of Members off and on, but has never come to any decision at any time. Although the Constitution Act contains an Article on our Privileges, the House has not yet, with your sanction, defined what those privileges are to which the Members are entitled. Each member of the House is entitled to hold his own view and quote Parliamentary practice. I want my own Parliamentary practice evolved. So often one feels disgusted with following the British Parliamentary traditions. It is open to every Member of this House, when he enters the House to demand to know from the Speaker what the privileges of the House are. I am not a lawyer to argue like my hon. friend Shri Rohini Kumar Chaudhuri. I do not know what are my privileges. I do not know whether a certain thing is a privilege as demanded by my hon. friend Shri Rohini Kumar Chaudhuri. I may not be quite so clever and intelligent as my hon. friend Shri Kamath. But, I do feel that we should not confuse the issues.

This is the first time we are discussing the question of privilege of the House in our Republican Parliament. If really we are going to discuss this particular privilege of the House, I suggest, let us clear the galleries, let the House sit as a Committee and let us understand what the privileges are. I do not want to hear my friends quote the British Parliamentary practice so often here. That is a tradition that was evolved during 400 years. I do not know what their privileges are and they are not listed. Why this exhibition of the wasting of the time of the House when the hon. the Prime Minister and the hon. the Deputy Prime Minister have made it clear that they are sorry? I am not clear, as some of my hon. friends apparently are, as to what my privileges are. We are trying to stress a point over which the House has no clear document, no clear understanding. So I appeal to the House that instead of wasting our time, if the House so feel—and the Leader and the Deputy Leader of the

[Shri B. Das]

House have already stated that they want the privileges of the Members of this House to be honoured and respected—you can appoint a Committee to draft the privileges of the House. Let us first know what are the privileges of this House instead of discussing and wasting our time over an alleged infringement of the privilege of the House. I do appeal to you, Sir, for the sake of our honour and dignity that, if privileges are to be codified, let them be codified and let some time be given to you, Sir, and to the hon. the Law Minister and to the leaders of the Government, to codify our privileges. I may be wrong, but there was never any codification of the privileges of the Members of the Legislative Assembly whom we have succeeded as Parliament. If my hon. friends want, let them bring forward a non-official Bill before the House on this matter. Why should the Government do it? You are so very conscious of your privileges but I do not know what those privileges are. Today I am not under any foreign Government. The Government and I are one today. Let us first try to understand what our privileges are. I oppose the amendment of my friend, Mr. Robini Kumar Chaudhuri.

Mr. Speaker: Let me make one matter clear. There seems to be some misunderstanding. The Committee of Privileges which I may appoint will not go into the question and decide what those privileges are. It will be a Committee to examine any particular reference of any alleged breach of privilege which the House may make to it. That will be the nature of that Committee. Legislation will be a different matter.

I think it will be better if we fix up a time limit now. I find that there are so many Members who are anxious to speak on this matter. We have been discussing it for a long time and I think we must now fix some time limit, because no new points are coming in practically.

Shrimati Durgabai (Madras): On a point of information, Sir. May I ask for your ruling on this matter whether it is for this House or for the hon. Speaker to say that a *prima facie* case has been made out?

Mr. Speaker: I have said in the beginning that, if matters are left as they are, without either accepting the motion of Mr. Goenka or the amendment of Mr. Chaudhuri, the matter will be entirely left to the discretion of the Chair and its decision. The Chair will have to see as to whether a *prima facie* case is made out and if the Chair comes to the conclusion that a *prima facie* case is made out, then the Chair will certainly look upon it as its duty to appoint a Committee to which this particular question will be referred. I do not think I need go further. This clarifies the position, I think, about which she wants clarification

Shri M. A. Ayyangar (Madras): This is a matter on which more than ordinary time has been bestowed by the House. Since yesterday this matter has been debated and today the same matter has come up in another form. I do agree with hon. Members that as a young State and a new Parliament, we must be very chary of the rights of both the Members of the House and also of the House as a whole. You are, Sir, the embodiment and the guardian of the powers of the House and the privileges of the Members of the House. It is rather unfortunate that this incident should have happened, but what are the remedies? If nothing more than an appraisal of this matter has been brought to your notice in the form in which it has been brought to your notice by the hon. Mr. Kamath or in any other form, there is no alternative for you other than appointing a Committee to investigate into this matter and then finding out who the offender is, bring him before the House and punish him according to law. But what has to be considered today is whether all that is necessary in view of the statements made both by the hon. the Prime Minister and the hon. the Deputy Prime Minister, for whoever is

responsible for this, the ultimate responsibility is theirs. Therefore they have very gracefully, being our elders and being anxious to maintain the privileges and prestige of this House, said that this matter was due to an error or a mistake and therefore nothing need be done. They having made this statement, I would ask, what more is it that the House need do? We will find out whether a person has committed a breach of the privilege of this House, we will bring him before this House, and we can send him to jail, we can punish him or we can reprimand him or we can discharge him. Two things can be done by the House, one finding out whether an offence has been committed against the privileges of the House and then suggest what punishment should be meted out. So far as the first is concerned, there is an indication or an admission that a breach has been there. It is provided in Article 105 of our Constitution that the privileges of the House shall be such as may from time to time be defined by Parliament by law and, until so defined, shall be those of the House of Commons of the United Kingdom. There is no doubt that a breach of privilege of this House has been committed. That has been tacitly admitted by the hon. Ministers and they have expressed regret to the House. Therefore it is unnecessary to appoint a Committee to go into the question of whether an offence has been committed. It has nothing more to do, because it has already been admitted. As you know, Sir, with your long experience at the Bar and many other Members of the House who have practised at the Bar know, that what has been admitted need not be proved, and therefore so far as that particular portion of the Committee's work is concerned, it need not go into it. It is unnecessary, it is duplication and it is finding out once more what has already been admitted.

Let us go into the other portion of the Committee's work and assume that they find out that a breach of privilege has been committed and which has been admitted in this case The offender must be brought before the House. The House can send him to jail or it can reprimand him, but the ultimate decision is with this House. Now, as Mr. Goenka says, now that expression of regret has been there, the whole thing should be washed out. Those Members of the House who are also members of the legal profession and other Members also know what happens in a case of contempt of court. First, it is found out whether a man is guilty of contempt of court or not. If he is, then he is sent to jail or an apology is taken from him and the contempt is washed out. Likewise, this also should be viewed as a contempt of Parliament, contempt of the privileges of Parliament. One of the modes of punishment is to award a reprimand and the other is to accept the apology and be done with it. There is no question as to whether this House has or has not got the right to decide on this matter. But if we accept the apology it will be graceful. The admission of breach of privilege is there and the tendering of regret is also there. There has been a breach of privilege; the House has been quite alive to its responsibilities and its rights; the House has not been unwary and an hon. Member has brought the matter to the notice of the House in his anxiety to preserve the rights of Members. The House has taken due note of the thing and has not slept over it. That being so it is not necessary that a committee should be appointed. Further the mistake has been admitted. Therefore my respectful submission is that the matter may be dropped. Nothing further is required. The House might accept the regret that has been expressed and drop the matter. Even if a committee is appointed this is all that the Committee can do. Why should we ourselves not do it now? There is nothing more to be done both on facts and also on the question of privilege. This will be a precedent for the future until an Act of Parliament decides otherwise. The privilege that exists and is in vogue in the Parliament of the United Kingdom will continue to be enjoyed by the Members of our Parliament. There is no doubt about it. For the breach of privilege sufficient amends have been made. I therefore request the House to treat this affair as closed. Sufficient has been done and it is not desirable that we should pursue this matter.

Shri Sondhi (Punjab): The debate may be closed now.

Mr. Speaker: Yes, after we have heard Pandit Kunzru.

Pandit Kunzru (Uttar Pradesh): The hon. Member Shri R. K. Choudhuri asserted that the illegality of the action taken by the Delhi authorities has been established in the course of the discussion today. I submit, Sir, there was nothing said by anybody in the course of the discussion that amounted to a proof of the illegality of the action taken against the hon. Member Shri Shibbanlal Saksena. The fact that the Home Minister modified the Deputy Commissioner's order does not show that it was illegal. It was modified because, in the opinion of the Home Minister, it went beyond the needs of the case and not because it contravened the law. This does not, however, mean that no breach of privilege has been committed. The action may be perfectly legal. A Member may be arrested in pursuance of the law and yet, if no information of his arrest is conveyed to the Speaker, it amounts to a breach of the privileges of this House. In this particular case what we have to see is whether Shri Shibbanlal Saksena was arrested. The hon. Member Mr. Kamath has tried to prove that Mr. Saksena was arrested and yet no information about the matter was given to you, Sir. On the other hand the Home Minister has stated that as soon as he came to know of the action taken by the Delhi authorities against Shri Shibbanlal Saksena, he set aside that portion of the order which related to his externment from Delhi and that, consequently, there was nothing for him or for the Government to report to you. What we have to see is that, if a Committee on Privileges is appointed, this is the only matter that it can enquire into.

I personally think that, whether Mr. Saksena was taken to the railway station in an ambulance van or in a police van makes no difference. For all practical purposes he was under arrest. Then, Sir, according to Mr. Kamath, he was taken to Lucknow by a police sub-inspector and two constables. This further shows that, in the opinion of the executive authorities, he was under arrest. Lastly, Sir, his arrest prevented him from attending this House even if he wanted to do so. It seems to me clear, in view of these facts, that he was arrested and that intimation of this fact should have been given to the Speaker of this House. I take it that the purpose of the point raised by my friend Mr. Kamath is that such a thing should not occur again. Now, both the Prime Minister and the Deputy Prime Minister have expressed their regret for what has happened. Even if we do not accept the plea of the Deputy Prime Minister that he had nothing to report to the House because he cancelled in part the order of the Deputy Commissioner, yet, the fact remains that he has expressed his regret for what has happened. This means that so far as this Government is concerned such a breach of privilege and such a discourtesy to the House and to the Chair will not be allowed to recur. The purpose, therefore, for which my friend Mr. Kamath brought this point before the House has been amply fulfilled. Nothing more is to be gained by the appointment of a Committee. All that the Committee can say is that a breach of privilege has occurred in so far as intimation of the arrest of the hon. Member Mr. Shibban Lal Saksena was not conveyed to the Speaker. It will lead to no result. I do not think there is any offender in this case who can be brought before Parliament and punished by it. I am certain that Parliament will never agree to any Minister being brought before the House and punished for contempt of the House, particularly when the action taken by the authorities is legal. I venture to agree therefore with those who think that, the purpose of the discussion having been gained, the matter be allowed to rest there. We should accept the regret expressed by the Prime Minister and the Deputy Prime Minister and feel sure that such an incident will not occur again so far as they can help it.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): The question be now put.

Mr. Speaker: We have got a motion and an amendment.

Shri Kamath: Before you put the motion to vote, Sir, will you please make this point clear that, in case both the motion and the amendment are lost, or in case the amendment of Mr. Chaudhuri is lost, would it mean that the Committee that you might appoint in future will be precluded from going into this matter at all?

Mr. Speaker: I have made it very clear. In any case, if the motion of Shri Goenka is adopted, or if the motion of Shri R. K. Chaudhuri is lost, the result will be the same, so far as this particular incident is concerned. That chapter is closed. Any Committee of Privileges which I may appoint will be a Committee to which in future all matters, if and when they occur, will be referred. That is the position.

Shri J. R. Kapoor (Uttar Pradesh): May I say a word on it?

Mr. Speaker: We have debated it sufficiently.

Shri J. R. Kapoor: I wanted to put exactly the opposite point of view.

Mr. Speaker: Whatever it may be, it does not matter now.

Shri R. K. Chaudhuri: Sir, do you agree with what the hon. the Deputy-Speaker has said that there is a clear case of breach of privilege? In that case I beg leave of the House to withdraw my amendment.

Mr. Speaker: I cannot be called upon to agree with any view expressed. I have not taken part in the discussions that have been going on. My view is very clear on the subject which I may at present keep to myself and there is no occasion for me to express it.

Shri R. K. Chaudhuri: Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Speaker: The question is:

"That in view of the statements made by the hon. the Prime Minister and the hon. the Deputy Prime Minister on the point of privilege raised by Shri H. V. Kamath in the House today, the matter be dropped."

The motion was adopted.

DURGAH KHAWAJA SAHEB (EMERGENCY PROVISIONS) BILL

The Minister of Home Affairs and the States (Sardar Patel): I beg to move for leave to introduce a Bill to provide for the appointment of an interim administrator for the Durgah Khawaja Saheb, Ajmer, pending inquiry into its affairs and for certain ancillary matters.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the appointment of an interim administrator for the Durgah Khawaja Saheb, Ajmer, pending inquiry into its affairs and for certain ancillary matters."

The motion was adopted.

Sardar Patel: I introduce the Bill.

PREVENTION OF CORRUPTION (AMENDMENT) BILL

The Minister of Home Affairs and the States (Sardar Patel): I beg to move for leave to introduce a Bill to amend the Prevention of Corruption Act, 1947.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Prevention of Corruption Act, 1947."

The motion was adopted.

Sardar Patel: I introduce the Bill.

INSURANCE (AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Minister of Commerce (Shri Neogy): I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Insurance Act, 1938, be further extended up to Friday, the 24th March, 1950."

I am very sorry to have to report to the House that primarily due to lack of time the Select Committee have not found it possible to complete their labours. At the last meeting of the Committee I was authorised to make this motion for an extension of time. Meanwhile a reprint of the Bill embodying the amendments which have already been adopted by the Select Committee has been circulated to Members of the Select Committee so as to facilitate the consideration of the matter hereafter. I hope that I will be given this indulgence which perhaps will not have to be repeated in future, as I am assured that the Committee will be able to complete its labours by the time that I have mentioned.

Mr. Speaker: Motion moved:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Insurance Act, 1938, be further extended up to Friday, the 24th March, 1950."

Shri Sidhva: (Madhya Pradesh): Sir, this is the fourth time.....

Shri Neogy: Not at all. Second time.

Shri Sidhva: It is not correct: this is perhaps the third time. Last time when the hon. Minister asked for postponement he raised the same point. He said then that that would be the last occasion and the Select Committee's report would be presented on the date up to which extension was asked for. Today he says that this is the second instance. I cannot understand what he means by second instance. This is the third instance.....

Shri Neogy: All right: have it your own way.

Shri Sidhva: Therefore my point is that the hon. Minister has not made out a case. This is a very important Bill. I want an account as to what the Select Committee have done and why they have been prolonging.....

Shri Neogy: I have told the House.

Shri Sidhva: My information is that the parties concerned, the managing agents from Bombay and other places, have been coming here, using their influences and trying to delay the passage of the Bill. The Bill was so important that the Government was obliged to issue an Ordinance in this respect. There is no doubt that the Government realises the importance of it but I really feel that my colleagues in the Select Committee do not realise its importance and have been prolonging the matter. It is a Bill on which this Parliament must take a decision this Session. The extension desired is up to the 24th March and I do not know whether it would be possible for the House

to pass the Bill before the end of the Session, because the time available will be very short. We have for our disposal so much business that I do not think that this Bill of such great importance could be disposed of within the time at our disposal. I therefore feel that the Select Committee should not have conducted their work in the manner they have done. They should at least have shown some courtesy to this House by disposing of this important Bill without delay, since the Government was obliged to issue an Ordinance. If they felt that they could not find the time for it, they could have stated that they had no time and the House would have been prepared, in that case, to appoint another Committee. I do not want to cast any aspersion upon my colleagues but I do feel that it is not proper or courteous to the House that time after time the Select Committee should ask the hon. Minister to ask for an extension of time for making the report, as the Bill is of very great importance to this country. The result will eventually be that the House will be deprived of the opportunity of a proper discussion on the Bill for want of time. This is my grievance. I therefore do not feel that the hon. Minister is justified in again asking the House to further extend the period for the presentation of the report.

Shri Gautam (Uttar Pradesh): I rise to oppose the motion of the hon. Minister for extension of time for the presentation of the Select Committee Report. I am a member of the Committee and I want to make it clear that the Committee is not entirely at fault in not submitting its report to the House by the time prescribed by you. I agree with Mr. Sidhva that there had been two or more extensions already. The Select Committee was appointed on the 5th December 1949 and the report was to be submitted by the 20th December. Then an extension for the presentation of the report was sought till the second week of the following Session, which meant 3rd February 1950. Again an extension was demanded till the 1st March and so this is the fourth extension that the Select Committee is demanding to submit its report.

This is one of the most important Bills that ought to be passed by this House before it adjourns this Session. I might go into the history of this Bill and place before the House some of the relevant facts. This Bill was placed before this House on the 3rd April 1946.

It was withdrawn by the ex-Minister of Commerce, Mr. Bhabha, on the 30th January 1948. As some of my friends suggest it was before the Legislature—not before this House but before the old Legislative Assembly—in 1944, and it expired in 1946 because the term of the Assembly expired. There was a Committee under the chairmanship of Mr. Cowasjee Jehangir which submitted its report in 1946. So, in a way, this Bill has been before the country, if not before this House, since 1944. It is more than five years that the country is thinking on those lines and the Government and the House have been seriously thinking of amending the Insurance Act.

I do not want to repeat the reasons given in the Statement of Objects and Reasons of this Bill as I do not want to waste the time of the House. This matter is very important. As Mr. Sidhva said, an Ordinance was promulgated by this Government on the 19th of January. If this Bill is not passed during this session of Parliament the Ordinance will expire some time in the month of May or June next. I beg to submit that it will be a very bad precedent if an Ordinance is promulgated, the House sits for a period of two and a half months and during this period the Ordinance is not converted into an enactment, and again another Ordinance is required and is promulgated to continue the administration of this industry. As Mr. Sidhva said—I do not know how far he is right—there is the impression in the country that the vested interests in the country, controlling some of these insurance companies and the insurance

[Shri Gautam]

business as a whole are powerful enough to influence the decisions of the Government. If this is so, it is a very bad state of affairs. I do not know why the former Minister in charge of this Bill withdrew it. Obviously, this is a very strange thing that people interested in the industry come and occupy positions of Ministers and again go back and again occupy their position in the same industry. This creates a great suspicion in the minds of the general public. The Minister who was in charge of the Bill was connected with this industry, and, so far as I know, he is again connected with this very industry. This kind of thing creates a suspicion in the minds of the general public against this Government and against this House. I submit that these things are bringing disrepute to us. People are criticising and condemning us for these things. I therefore say that if this extension is granted, it must be clearly understood by the Government, the Select Committee and this House that this piece of legislation will be passed before the House adjourns in the month of April.

An Hon. Member: How can that be done?

Shri Gautam: I submit that it can be decided by this House that it will not adjourn unless this piece of legislation is placed on the Statute Book.

I may be excused if I have been a little harsh. But I have to face the music about the omissions and commissions of the Government when I go to the people. If the Government commit any mistake it is my duty to point it out to them. Otherwise we cannot stand the criticism that is levelled against us. I therefore want the hon. Minister to assure the House that this piece of legislation will be taken up and adopted before the House adjourns. Only then should this extension be granted. Otherwise, another Select Committee may be appointed.....

An Hon. Member: They will do it earlier, is it?

Shri Gautam: They may or they may not. But this Select Committee and the Government have failed to do their duty during the last three months.

Shri Sondhi (Punjab): I am very much astonished to hear what my hon. friend Mr. Gautam has said. I am sure he has himself not attended all the meetings of the Committee.

Shri Neogy: He was making his election speech!

Shri Gautam: If I make an election speech, he will be the Minister, not I.

Mr. Speaker: Order, order.

Shri Sondhi: As many as twelve meetings of the Committee have already been held. Everybody knows that insurance is not a joke; it is one of the biggest industries in the country.

An Hon. Member: Yes, it is a question of life and death!

Shri Sondhi: Moreover, we had at least twenty representatives whom we invited for giving evidence before us. After that we have examined the provisions and have almost come to the end of the whole thing. The reason for the delay is that there are so many Committees. Personally I am a member of three Committees.

An Hon. Member: Why should you accept it?

Shri Sondhi: But I have never missed a single meeting. And it is almost a new Bill. There are 56 clauses. The question was taken up in the last meeting and it was unanimously decided that we should sit from 13th March onwards in the evening. I do not know why Members are objecting to the giving of extension.

Shri Himatsingka (West Bengal): I am also a Member of the Select Committee and I may say that I have never been absent from the meetings. What has happened is that two of the meetings of the Committee have had to be cancelled on account of the late sitting of this House. The Bill has been drafted in terms of the decisions arrived at at the different meetings of the Select Committee. But what happend on the last occasion was that there was some objection by some Member that the changes had not been underlined and sidelined and so on and therefore they could not be followed. Consequently the same has to be reprinted. Now, in view of the ensuing holidays and the Budget discussion, the 13th of March was suggested for the next meeting. I do not think that anybody has tried deliberately to delay this or that the Minister has been at fault. He has tried to expedite it. If some of the Members or the majority of the Members wanted time, he could not help it. It is not fair to the Minister to say that he has been trying to postpone it at the instance of others. I do not think that either the Select Committee or the Minister is to blame. The things have happened because there was no other alternative. I therefore think that the time should be extended.

Shri Neogy: I do not think it is necessary for me to add very much to what has already been stated by the two hon. Members of the Select Committee who spoke after my hon. friend Mr. Gautam. Conventions which are well-known in this House, and in the establishment of which I think I had some part, preclude me from referring to what happened in the Select Committee. Otherwise, perhaps I could have indicated what the attitude of certain individual Members was. As a matter of fact, I was rather surprised by the great degree of enthusiasm with which my hon. friend, Mr. Gautam, spoke today in support of this Bill. If I am not going to be guilty of any breach of any conventions under which the proceedings of a Select Committee have to be treated as secret, I think the criticisms that have been levelled by both my hon. friends, Mr. Sidhva and Mr. Gautam, are not addressed to Government. As a matter of fact, much of what Mr. Gautam said was perhaps addressed to himself and perhaps to his colleagues on the Select Committee. So far as Government is concerned, Government have estabilshed their *bona fides* by promulgating an Ordinance covering the most important provisions of this Bill. So, Government's action in this matter, or their *bona fides*, cannot be challenged.

As regards the vague allegations to which some Members have referred, I should be very sorry indeed that any of those considerations could possibly have influenced hon. Members of the Select Committee in regard to their attitude towards the Bill, but let me assure the House that this is a very very complicated measure of a technical character and I am not endowed with the same degree of genius that my friend Mr. Sidhva is, and in my case a day consists of 24 hours—I do not know how many hours constitute my hon. friend's day—and I have not been sparing myself. I can honestly assure the House on that. And, I am not at all surprised that the Committee has taken this time for considering a very very intricate matter. As I have already stated, the most important provisions of the Bill have already been considered by the Committee. They have made certain important changes and those changes have been incorporated into a re-draft of the Bill. That reprint has now been circulated to all the Members; the entire Bill as re-shaped by the Select Committee has now been printed and circulated to Members of the Select Committee and we have definitely fixed a time-limit by which we expect to have our first meeting to consider the Bill as it now stands after the Committee has given thorough attention to its provisions and made important changes.

Now, anything more than this would perhaps be difficult to expect in the circumstances and under the stress through which we are passing at the moment. As a matter of fact, let me assure the House that even this delay

[Shri Neogy]

has not at all mattered for this reason that it was never in our contemplation that we should be able to pass this measure any time before the end of March, for the very good reason that as this measure will have to occupy the attention of this House for quite a few days when it comes up for consideration, we could not possibly find that time while the two Budgets were under discussion. Nothing has been lost by this delay and everything will be gained if my hon. friend Mr. Sidhva were a little less nagging in his attitude.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Insurance Act, 1938, be further extended up to Friday, the 24th March, 1950."

The motion was adopted

RAILWAY BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

Mr. Speaker: We will now proceed with the Demands for Grants for the Railway Budget. The cut motions that were taken up were in respect of Demands No. 1 and No. 9A, and three of the cut motions have been disposed of till now. I find that there is no selection of any particular cut motion for discussion, but I am told that there is a large number of hon. Members—their list consists of 33—who would like to voice their specific grievances and who would therefore like to mention them by taking up the particular cut motion they have sought to move. I am told that each of them will not take more than three minutes and that each one of them will move only one cut motion. That seems to be the agreed agreement. It is a novel one and I am not very hopeful about its successful working. All the same, as it is an agreed arrangement, I do not wish to come in the way.

The Minister of State for Transport and Railways (Shri Santhanam): Our reply to the cut motions will take only one minute each.

Khwaja Inait Ullah (Bihar): What do you mean by "agreed agreement"?

Mr. Speaker: "Agreed" means a one-party agreement.

Shri Alagesan (Madras): Since we have lost almost the whole of today which had been allotted for voting of Demands for Grants, will Government be pleased to allot another day for discussion?

An Hon. Member: We can sit late.

Mr. Speaker: I do not think it will be possible and this suggestion also of sitting late is a very wrong procedure. Personally, I have often expressed myself against the idea of sitting late. In fact, if the Members, when they discuss any particular proposition, have an overall idea of the business before them, they would not take up unnecessarily long time on certain motions. I need not make any further comments on that.

Dr. Deshmukh (Madhya Pradesh): Three minutes is not very long.

Mr. Speaker: It is not the three minutes now, but the time taken on previous discussion on the point of privilege raised by Mr. Kamath. I do not wish to pass any criticism on that, but it is hardly fair to the other Members who do not want to carry on long discussions, and still further unfair to the staff of the House that they should be kept on, day in and day out, beyond legitimate hours. That is how I always feel over this matter. Let us cut short this discussion and come to the point.

Dr. Deshmukh: There is nobody greater than this House. If the House decides to sit longer, it should be allowed.

Mr. Speaker: I do not mean to come in the way of the House. The House is fully sovereign and is entitled to do what it likes, but being in the Chair I must also invite the attention of Members to the way in which their own work suffers. If we sit for very long hours, I have no doubt in my mind that the quality of debate does suffer. That is my view, Members may agree or may not agree with it.

Now, what is it that is proposed to be done?

The Minister of Transport and Railways (Shri Gopalaswami): May I know whether you are leaving the question open as to sitting longer hours, because I have got to inform the House that at five o'clock I am required at another place for business of a very important character.

An Hon. Member: His colleague may deputize for him.

Mr. Speaker: That is the difficulty. Many people have got their own engagements and the work is arranged long before. Of course, one may sit longer on exceptional matters and it is quite right to do so, but sitting for longer hours should not occur every now and then. At any rate, the hon. Minister will be free to go at five if he so chooses.

There is one more point which I must clear up.

Shri Sondhi (Punjab): Are we sitting after five today?

Mr. Speaker. Not so far as I am concerned. That will be a matter in the hands of the House. When it strikes five the House may decide whether they should sit further or not.

The other point which I wanted to make was that, in all, three days were allotted for this discussion. Today is the second day and it will be finished by five or six.

Several Hon. Members: Five.

Mr. Speaker: Five, if the hon. Members so please.

Now, there seems to be an agreement so far as the Congress Party is concerned, but there are other Members who are not members of the Congress Party.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): We have allotted 1½ hours tomorrow from 3-30 to 5 P.M. for the unattached Members.

Mr. Speaker: That is the point I wanted to clarify. So the time allotted to unattached Members in respect of their cuts will be 1½ hours tomorrow from 3.30 to 5. Tomorrow there is the guillotine and we shall put the Demands at five o'clock sharp. There is no question of sitting longer tomorrow. Shall I call the names in the order in which the Congress Party has given them? I want to know this as they do not relate to the same cuts.

Shri T. Husain (Bihar): May I enquire if those Members, who belong to the Congress Party and who have sent in cut motions but are not a party to the agreement referred to by you, will be allowed to speak if they catch your eye?

4 P. M.

Mr. Speaker: That is a question to be decided by members of the party between themselves.

Shri T. Husain: I entirely agree, but supposing a member of the Party who has not sent in any cut motion but who wants to speak catches your eye, will he be allowed to speak?

Mr. Speaker: Every hon. Member can speak, but the practical difficulty is this. There are 33 names and at the rate of three minutes each, we shall require 99 minutes. We have not got that much of time, even assuming that each one sticks to the time-limit of three minutes.

Shri T. Husain: One more point. Three days were allotted to us for this purpose. Out of these, one whole day has been spent on some other business. I want to know if we would be allotted one more day to complete the quota of three days.

Mr. Speaker: Hon. Members will appreciate that the time-table has been arranged in respect of the financial business right up to the 31st of March, and there is absolutely no time. That is why I said that if hon. Members would have the overall picture of the business before them, they may perhaps cut their speeches short and be more to the point.

Now, the first speaker is Mr. Varma. Which cut motion is he going to speak on, may I know?

Shri B. B. Varma (Bihar): No. 12 in Supplementary List I.

Sardar Hukam Singh (Punjab): Supposing the number of unattached Members is not sufficient to consume the one and half hours allotted to them if each one of them speaks for three minutes, then, would they be entitled to utilise the whole period of ninety minutes, or would they have also to adhere to the three minutes limit?

Mr. Speaker: The three minutes limit will not apply to unattached Members. The time allotted to them is one and a half hours and they can choose any cut motion. It would, however, be better if they could come to some agreement between themselves. If each one were to speak as a class by himself, there would be a difficulty.

Sardar Hukam Singh: Most probably, it will be that way.

Dr. M. V. Gangadhara Siva (Madras): Supposing there are two cut motions given notice of by an hon. Member and he is in a position to speak on both of them within three minutes, will he be allowed to do so?

Mr. Speaker: Each cut motion will be taken by itself.

DEMAND No. 1.—RAILWAY BOARD.—*contd.*

Reconstruction of the Gandak bridge

Shri B. B. Varma: I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

The bridge on the Gandak river connecting Narkatnaganj Railway Station, O.T. Railway to Gorakhpur in Uttar Pradesh was washed away many years ago, and I understand that there are some technical difficulties in reconstructing it. Some proper arrangement must be made, pending the reconstruction of the bridge, for the public to cross the river. At present, the arrangement is in the hands of a private contractor. He is only anxious to make money and does not look after the Road from Bagaha Railway Station to the Ghat. It is causing great inconvenience to the travelling public. There is no arrangement on either side of the Ghat for a waiting room or shed. I wonder if it is beyond the ingenious skill of the Railway Ministry to reconstruct this bridge. If the work is taken in the hands of the Railway Board, I am sure better arrangements for running the ferry would be made. During the rains last year, due to the unsatisfactory nature of the existing arrangements, I understand that two country boats capsized, resultnig in loss of many lives. This bridge connects Nepal, Champaran and partly also Muzzafarpur district with U.P. It is very necessary to reconstruct this bridge, and if you cannot do it immediately, I request that arrangements may be made for the Railway Board

itself to take the ferry into its hands. This is all that I wanted to bring to notice by means of my cut motion.

Shri Santhanam: The old bridge at Bagaha was out-flanked by the river breaching the west approach bank. The possibility of forcing it back to the bridge was revived recently as the river changed its course on the western side of the bridge. The Bihar Government proposed another site, but the construction of a bridge at this site would involve constructing about 30 miles of new track for connecting Sidhwalia and Chakia. Recently conditions have improved for the construction of a bridge and the engineering and traffic survey for building a road-rail bridge at Bagaha are being undertaken, and the report is awaited. I am, however, prepared to consider the taking over of the ferry. I do not know the difficulties connected with that, but I am prepared to consider the matter.

Shri B. B. Varma: I do not press my cut motion.

DEMAND NO. 15.—CONSTRUCTION OF NEW LINES

Mr. Chairman: Motion is:

"That a sum not exceeding Rs. 2,66,31,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1951, in respect of 'Construction of New Lines'."

Failure to connect Chamarajanagar and Mettupalayam.

Shri Ethirajula Naidu (Mysore): I beg to move:

"That the demand under the head 'Construction of New Lines' be reduced by Re. 1."

I want to discuss the failure of the administration to lay a connecting line between Chamarajanagar and Mettupalayam. What is it that I want the Railway Ministry to do? I want them to make both ends meet. There are two important metre-gauge sections south of Poona, one going south from Poona and reaching Chamarajanagar, about 783 miles long. There is another section, the S.I.R. which starts from Coimbatore and travels south to Travancore on the West Coast, and also to Rameswaram, Dhanushkodi and other places, thus extending all over South India. But these two sections have not been connected for want of a link extending only a distance of 100 miles. There is another way of looking at this matter. The railway line from Madras branches off into two arcs at Jalarpet. At the end of one of these two arcs there is Chamarajanagar and at the other there is Mettupalayam. This gap not only divides and keeps apart one meter gauge section from the other but it keeps apart these two places and it very much affects the traffic between them. Though the direct distance between Chamarajanagar and Mettupalayam is only 100 miles, the route by rail at present is as much as 410 miles.

The idea of connecting these two meter gauge sections is more than half a century old. In 1891 Nanjangud was the last station on the Mysore railway. It was thought that Nanjangud should be connected with Erode. But while this idea was under contemplation, great changes took place and Erode came on to the broad gauge section and so the idea of completing the metre gauge section from Poona to Travancore was abandoned. Then subsequently about three decades ago it was proposed to discuss this matter again, but due to financial reasons it was given up in 1932. In 1945, it was urged on the Government of India that high priority should be given to this project in their post-war reconstruction programme and it was pressed upon the attention of the Government of India by the Government of Mysore. Dr. Nicolas, who was then incharge of projects also agreed that this was a construction which would be very beneficial to the whole of India. But again there was an order from the Government of India that the report of the Ports Committee should be awaited before this construction could be started.

[Shri Ethirajulu Naidu]

I may point out that this is a good financial proposition. It will not only supplement but be an alternative to the broad gauge section. I hope the Railway Ministry will, therefore, be able to see its way to go ahead with this work, and not allow any further obstacles to come in the way.

Shri Gopalaswami: I shall only say that I have every sympathy with the proposal my hon. friend has put before the House. If I may inform the House about my own experience of this particular line, it goes, so far as my memory goes back to about 43 years when I happened to be in charge of a small portion of the Coimbatore district. On that occasion I had myself reported on the financial prospects of this particular line. I remember that I had recommended this line at that time, but it has not yet materialised up-to-date. The present position is this. Surveys have been completed for a line from Chamarajanagar to Coimbatore or Mettupalayam, and the decision at present is that it is much better to have the terminus at Coimbatore rather than at Mettupalayam. This line passes through some very difficult ghat country, and the cost of that portion is perhaps heavy, and while the hon. Member was sure about the financial prospects of the line, the reports that we have say that it would not pay the usual minimum return. I happen to know the lay of the land there and also that this section will serve the area which will come under the Lower Bhawani Project, and so I thought that the estimate I had received rather under-estimated the financial prospects of the line. It has been decided practically that we should take up this line as soon as possible. The surveys have been completed. The actual survey report is being compiled and as soon as it is received we shall take further steps. I will only promise that I shall expedite this matter as much as possible before I cease to have anything to do with these matters. I should like some beginning to be made on this line.

Shri Ethirajulu Naidu: I do not press my cut motion.

Necessity to connect Pathankot and Jammu Tawi

I beg to move:

"That the Demand under the head 'Construction of New Lines' be reduced by Re. 1."

श्री बेगरा:

हमारी काश्मीर की मुश्किलात बहुत ज्यादा ट्रान्सपोर्ट (transport) पर हैं । हमारी चार पांच सड़कें और दरिया पार्टीशन (partition) होने की वजह से दूसरी तरफ़ चले गए हैं। अब सिर्फ़ एक सड़क पठानकोट और जम्मू है जो हिन्दुस्तान के साथ काश्मीर को मिलाती है । इसमें शक नहीं कि पठानकोट और जम्मू के दरमियान जो सड़क है वह हिन्दुस्तान की एक बेहतरीन सड़कों में से है। लेकिन इस सड़क में ट्रैफिक (traffic) इस क़दर ज्यादा है कि वह ज़रूरत को पूरा नहीं कर सकती और मैं गुजारिश करूंगा कि ट्रांस्पोर्ट मिनिस्टर (Transport Minister) साहब को काश्मीर की हालत के बारे में अच्छी तरह से मालूम है और इन बातों को देखते हुए वह इस लाईन को जल्दी बनाने की कोशिश करेंगे । तो हमें पूरी उम्मीद है कि इस बजट (Budget) में इसके लिये कोई खास रकम रखी जायेगी । इसके साथ ही साथ जो हमारे पास २० और २५ मील रेल्वे लाइन (railway line) हैं, कुछ डिब्बे और बोगीज (boggies) वहां पर पड़ी हैं वह सब सामान भी इस काम में

आ सकता है। इसके बन जाने से काश्मीर के ट्रांस्पोर्ट (Transport) में काफी मदद हो जायेगी। काश्मीर के व्यापारी इस तरह की सहूलियत न होने की वजह से काफी नुकसान उठा चुके हैं। मैं उम्मीद करता हूं कि ट्रांस्पोर्ट मिनिस्टर साहब ज़रूर और सब से पहले काश्मीर को दर्जा देंगे। जिस तरह से आसाम में उन्होंने इतनी मुश्किलात होने के बावजूद भी वहां इतने थोड़े समय में रेल्वे लाइन (railway line) बना कर तैयार कर दी उसी तरह काश्मीर में भी रेल्वे लाइन का बनाना कम अहमियत नहीं रखता। मुझे पूरी उम्मीद है कि मिनिस्टर साहब इस बजट (Budget) में काफी रक़म काश्मीर के लिए रेल्वे लाइन बनाने के लिये रखेंगे।

(English translation of the above speech)

Shri Baigra (Jammu and Kashmir): I beg to move:

"That the demand under the head 'Construction of New Lines' be reduced by Re. 1."

We in Kashmir, have difficulties mainly in regard to transport. As one of the results following the country's partition, four or five of our roads and a number of our rivers have gone over to the other side. We are left now only with one road namely the Pathankot-Jammu Road which serves as the sole link between India and Kashmir. The Pathankot-Jammu Road is admittedly one of the best highways that India has got. The fact remains, however, that the demand in respect of traffic is so heavy that the road in question itself is unable to meet it. I know the hon. Minister of Transport is well aware of the conditions obtaining in Kashmir these days. I would like to submit, therefore, that keeping all of those things in view, he will make an attempt to see to the construction of this particular line being completed at the earliest possible time. I have every hope that a special sum will be reserved for this project in the present Budget. At the same time, I may point out that 20 or 25 miles of the railway line available there even at present, and some of the wagons and the boggies already lying there, may all be utilized conveniently to supplement this scheme. The construction of this line may go a long way to ease the transport difficulty facing Kashmir at present. The Kashmir businessmen have already suffered much loss due to the absence of a facility of the aforesaid type. I trust that the hon. Minister will make it a point to give top priority to Kashmir in this respect just as he managed successfully to complete the construction of the railway line in Assam within such a short period and in spite of so many handicaps. Construction of a line in Kashmir is, similarly, of no less importance. I fully trust that the hon. Minister, in order to implement this project, will earmark an adequate sum in the Budget under discussion.

Mr. Chairman: Cut motion moved:

"That the demand under the head 'Construction of New Lines' be reduced by Re. 1."

Shri Santhanam: I am afraid we cannot give much hope that the construction of a line from Pathankot to Jammu will come up. For the present there are many difficulties, financial and otherwise. But on the request of the Kashmir officials we have taken up the improvement of the Pathankot Station. We have already put up a retiring room there and the visitors' office will be completed by May 1950. The existing goods shed has been extended by 160 ft. and during the summer, we shall be running through mail with air-conditioned compartments up to Pathankot. About the Tourists Section, we have discussed this also with the Kashmir officials and we have promised to give them as many facilities as we can. I hope the hon. Member will be satisfied with this assurance for this year, and raise up the other matters next year.

Shri Gopalaswami: May I say one word about the request for a railway line from Pathankot to Jammu? During the last two years we have spent a considerable sum of money on putting the road between Pathohkot to Jammu in order, I believe the amount spent on it is somewhere about Rs. three crores. I do recognise that this rail connection will have to be built sometime or other, and as soon as possible. The only rail link that the Kashmir State had was between Sialkot and Jammu and that line has been out of use since the partition practically, and it is necessary that Jammu should be connected with Pathankot, in due course. That is a matter which has been under consideration, and in view of the fact that we have spent so much money on putting this road in order I can only promise my hon. friend that the question of taking up the survey of a railway line between Pathankot and Jammu will be considered as soon as conditions permit. I do wish to give him the hope that something will be done, though not immediately.

Shri Baigra: I beg leave to withdraw my cut motion.

The cut motion was, by leave, withdrawn.

Construction of Chittorgarh-Kotah line

श्री बलवन्त सिंह मेहता : मैं प्रस्ताव करता हूं :

"That the demand under the head 'Construction of New Lines' be reduced by Rs. 100."

माननीय मंत्री जी का ध्यान इस ओर आकर्षित करना चाहता हूं कि राजस्थान सब से पिछड़ा हुआ है और उस में प्राकृतिक साधन बहुत होते हुए भी उस में यातायात के साधन बहुत कम हैं। हम यह समझते थे कि हमारे स्वतंत्र भारत में जो भी पिछड़े हुए प्रदेश हैं वहां यातायात के साधन जल्द जुटाये जायेंगे। लेकिन दुःख की बात है कि यह रेलवे लाइन जिस का मैंने ऊपर ज़िक्र किया है और जो दो साल पहिले मंजूर हो चुकी थी और उस के लिये राजस्थान सरकार ने कुछ रुपया भी मंजूर किया था और यह रेलवे के नक्शे में जो कि गवर्नमेंट आफ इंडिया (Government of India) से हम लोगों को मिला है, उस में भी यह अंडर कंस्ट्रक्शन (under construction) और सैंक्शन्ड (Sanctioned) दर्ज की गई है फिर नहीं मालूम कि यह क्यों बन्द कर दी गई। सब को यह उम्मीद थी कि नये बजट के वक्त इस पर ध्यान दिया जायगा। यह एक ऐसी लाइन थी जिस के आस पास में बड़ी ग्रेनरीज़ (Granaries) है और बड़ी जरखेज़ ज़मीन है। उम्मीद यह थी कि यह बड़ी लाइन बना कर अहमदाबाद से मिला दी जायगी ताकि ब्राड गेज (broad gauge) और मीटर गेज (metre gauge) में जनता को जिन मुश्किलात का सामना करना पड़ता है वह दूर हो जायगी और दिल्ली कलकत्ता बम्बई आदि जो बड़े बड़े शहर हैं उन से उस का सम्बन्ध जोड़ दिया जायगा जिस से वहां के लोगों को बहुत फ़ायदा होता। अब वह पुरानी पालिसी (policy) नहीं होनी चाहिये कि हमेशा जहां काफ़ी रिटर्नस (Returns) मिलें वहीं लाइनें खोलें। इस में तो पैसा भी बहुत मिलने वाला था, फिर यह क्यो बन्द कर दी गई। अच्छा होता अगर इसको चालू कर के और ब्रोड गेज बना कर अहमदाबाद से जोड़ दिया जाता जिस से वहां के लोगों को व्यापार आदि में बड़ी मदद मिलती। मैं इस ओर सरकार का ध्यान फिर आकर्षित करना चाहता हूं कि इस लाइन को जल्दी से आरम्भ किया जाय।

(English translation of the above speech)

Shri Balwant Sinha Mehta (Rajasthan): I beg to move.

"That the demand under the head 'Construction of New Lines' be reduced by Rs. 100."

I wish to draw the attention of the hon. Minister towards the fact that Rajasthan is the most backward State of Indian Republic and though it possesses immense natural wealth yet the means of communications are very meagre and scanty. We were all along under the impression that in the backward areas of Independent India means of communications and transport would be provided at the earliest. But it is a matter of great regret that the construction work on this railway line, which I have referred above and the construction of which had been sanctioned two years back and for whose construction the Rajasthan Government had sanctioned a good deal of money and which in the railway map supplied to us by the Government of India has been shown as 'under construction' and 'sanctioned', has been stopped for reasons quite unknown to us. Everybody was expecting that the construction of this line would be provided in the new Budget. It was such a route which was to pass through the granaries and the most fertile tracts of land in Rajasthan. It was expected that this would be a broad-gauge line and would be connected with Ahmedabad so that the inconveniences that the people have to experience in changing from metre to broad gauge would be removed and thus direct connections with Bombay, Calcutta and other important towns be made. This arrangement would have benefited the people very much. Now we must not adhere to the old policy of opening new lines only at those places where the returns may be expected to be encouraging. This railway line was expected to pay heavy returns too, then why the construction of this line has been held up? It would have been far better had the construction of this line been resumed and converting it into a broad gauge line been connected with Ahmedabad. This would have afforded the people there ample facilities for carrying on their business. I once again want to draw the attention of the Government towards the fact that the construction work on this line may be resumed at the earliest.

Shri Santhanam: Sir, this project was approved more than a year ago. The Rajasthan Government had undertaken to construct the line at their own cost, but they have not so far commenced the work. When I was at Udaipur last, I did discuss this with the Railway authorities there. They admitted that it is a costly project and that the Government of India will have to find money for its construction. We are just integrating the State Railways from the 1st April and as soon as integration has been properly completed, the project will be reviewed in relation to other projects in the Rajasthan area.

Shri Balwant Sinha Mehta: Sir, I do not press my cut motion.

DEMAND NO. 4—WORKING EXPENSES—ADMINISTRATION

Mr. Chairman: Motion is:

"That a sum not exceeding Rs. 22,76,77,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1951, in respect of 'Working Expenses—Administration'."

(i) *Janata Express on Howrah-Puri line.*

(ii) *Oriyas on B. N. Railway.*

(iii) *Establishment of a Workshop in Orissa.*

Shri Nandkishore Das (Orissa): I beg to move:

"That the demand under the head 'Working Expenses—Administration' be reduced by Rs. 100."

[Shri Nandkishore Das]

Sir, the time at my disposal being strictly rationed and there being no scope for black-marketing in time under your vigilant eye, I propose to be as brief as possible in developing the points that I have indicated in my cut motion.

The first point that I want to discuss is about the introduction of Janata Express on Howrah-Puri line. A good deal has already been said about over-crowding in passenger trains; as a matter of fact, the hon. the Railway Minister stated in his Budget speech that the question of easing of over-crowding in passenger trains is constantly under his attention. Subsequently while replying to Demand No. 1 day before yesterday he made a most reassuring statement that he would bring about perceptible improvement in this direction in the course of the next year and this pronouncement of his was received by the House with cheers. I may, however, be excused for drawing the attention of the hon. the Railway Minister to the conditions prevailing in the Bengal-Nagpur Railway which operates mostly in Orissa and Orissa States which have merged in the province of Orissa. In the matter of over-crowding the Bengal-Nagpur Railway is one of the worst offenders. Particularly appalling are the conditions in the trains which run to Puri carrying enormous load of passenger traffic from all over Orissa, especially during the time of the great car festival of Lord Jagannath.

The hon. Minister spoke of Janata Express trains having been introduced in E.I., G.I.P., E.P., B.B. and C.I.; S.I., and O.T. Railways. I fail to understand why important pilgrim centres like Puri and Bhuvaneshwar of all-India importance have not been linked with Janata Express.

My next point is as to the non-representation of Oriyas in the administrative and operational jobs of the B.N. Railway. I am afraid this is rather a delicate matter and I may be misunderstood. I may however assure the hon. Minister that I do not claim representation of Oriyas on the B. N. Railway on mere provincial or communal conside ations but on considerations of public utility of this national concern. You can't expect railway service to be rendered satisfactorily to a people belonging to a particular linguistic group by men who are not familiar with their language.

Mr. Chairman: I do not want to interrupt the hon. Member but he is putting some general points before the House and this discussion is only limited to putting on specific local grievances. Already he has taken five minutes and I would request him to finish in one minute.

Shri Nandkishore Das: I indicated that point in my cut motion and I wanted that particular aspect of the railway administration to be discussed as well. Now I come to the last point—workshop. The hon. Minister made reference in para. 22 of his budget speech as to the establishment of two new major workshops, one on broad gauge and the other on metre gauge. I have always been of the view and I hope this will be shared by other Members of the House that the railways in India should have their workshop spread over the entire country on a regional basis so that reasonable facilities may be provided to people of different regions to get themselves trained in railway technique. I understand due to financial difficulties the decision of the railway administration to start these two major workshops has been abandoned for the time being but I hope when finance improves and the railway administration again takes up the question of building these, I hope one of these will be established in Orissa.

Shri Santhanam: Certainly we would like to increase the trains between Howrah and Puri but I believe even at present the Howrah-Puri Express except

for a few class II compartments, is running like Janata Express. Probably it may be that the accommodation is not adequate and as soon as power and coaching is available, we shall try to increase the number of trains.

As to the employment of Oriyas, it is our desire that all linguistic areas should get fair opportunities of serving the railways but it is also our desire that they should get these fair opportunities on the basis of merit and not on the basis of any other adventitious considerations. I believe the Railway Public Services Commission for those areas have been sitting in Orissa in several centres for recruitment. For the present of course we have stopped recruitment owing to need for retrenchment and therefore for one year or two there may be no recruitment but when recruitment is resumed, we shall try our best to help the Oriyas to get into service on the basis of merit as far as possible.

As for the workshops, they have to be based on considerations of necessity and efficiency. Railway workshop is a very big thing and it costs crores of rupees for maintenance. We cannot afford to scatter the whole country with small and uneconomical workshops. Probably for a considerable number of years to come all that we have to do is to improve and expand existing workshops and make them do more work. It may not be even necessary to build new workshops at all. Therefore in the case of workshops we cannot adopt the policy of what may be called decentralization. There we have to have as few as possible but most modern and efficient workshops. That should be the proper policy for the Railways.

Shri Nandkishore Das: I do not press my cut motion.

Shri S. C. Samanta (West Bengal): Sir, due to the short time allotted I will not be able to express myself sufficiently. So I do not propose to move any cut motion.

DEMAND NO. 15—CONSTRUCTION OF NEW LINES—*contd.*

Class III waiting hall at Kotdwara

श्री बी० एस० आर्य: मैं प्रस्ताव करता हूं कि:

"That the demand under the head 'Construction of New Lines' be reduced by Rs. 100."

मैं माननीय रेलवे मन्त्री का ध्यान एक ऐसे रेलवे स्टेशन की ओर दिलाना चाहता हूं, जहाँ से लाखों यात्री हर साल ज़िले के अन्दर और ज़िले से बाहर आते और जाते हैं। इस स्टेशन पर तीसरे दरजे के लोगों के लिये मुसाफिरखाना नहीं है, जिसकी वजह से मुसाफिरों को बड़ी दिक्कत होती है। यह बड़े आश्चर्य की बात है कि गढ़वाल ज़िले में सिर्फ़ एक ही मील रेलवे लाईन है और उस पर कोटद्वारा में एक स्टेशन है जिसमें तीसरे दरजे का मुसाफिरखाना नहीं है। अप्रैल से अक्टूबर तक बदरीनाथ की यात्रा की लगभग ६० हज़ार से ८० हज़ार तक आदमी उस रास्ते से होकर आते और जाते हैं। बरसात और गरमी के मौसम में लोग वैसे ही आस्मान के नीचे पड़े रहते हैं बारिश में लोग भीग जाते हैं जिससे उनको मलेरिया बुखार और दूसरी बीमारियाँ पकड़ लेती हैं। इसलिये मैं माननीय मन्त्री से यह अनुरोध करूंगा कि वहां पर एक तीसरे दरजे का मुसाफिरखाना बनाया जाना आवश्यक है। गवर्नमेन्ट यह अनुभव कर सकती है कि जिस रेलवे स्टेशन से लाखों यात्री आते और जाते हों और उनको वहां पर सुविधा प्राप्त न हो और उनको वहाँ पर आराम न मिले, तो उनका गवर्नमेण्ट के प्रति क्या

[श्री बी० एस० आर्य]

ख्याल हो सकता है। इसलिये मेरा अन्त में फिर माननीय रेलवे मंत्री से अनुरोध है कि कोटद्वारा स्टेशन पर एक तीसरे दरजे का मुसाफिरखाना बहुत शीघ्र बनाना चाहिये।

(*English translation of the above speech*)

Shri B. S. Arya (Uttar Pradesh): I beg to move:

"That the demand under the head 'Construction of New Lines' be reduced by Rs. 100."

I wish to draw the attention of the hon. Railway Minister to a railway station through which lakhs of pilgrims pass every year while entering or leaving the district. There is no waiting hall at this station for third class passengers, which causes great hardship to them. It is strange that there is just one mile of railway line in Garhwal district on which Kotdwara is a station, which is not provided with a third class waiting hall. From April to October 60 to 80 thousand people pass by that route in connection with the pilgrimage to Badri Nath. During the rains and the summer season people just keep lying under the canopy of the sky. They get drenched in the rain and fall victim to malarial fever and other diseases. Hence, I would urge upon the hon. Railway Minister the necessity for a third class waiting hall at that place. The Government can very well realize what would be the feeling of the people towards them when they find that no comforts or amenities are provided at a railway station through which lakhs of pilgrims come and go. In the end, I would once again appeal to the hon. Railway Minister to have a third class waiting hall constructed at the Kotdwara railway station as early as possible.

Mr Chairman: Cut motion moved.

"That the demand under the head 'Construction of New Lines' be reduced by Rs. 100."

Shri Santhanam: I am able to give a very satisfactory answer to the hon. Member. The construction of a class III waiting room measuring 60 x 30 with bathroom and latrine at Kotdwara has been sanctioned and work is expected to be completed by the end of 1950.

Shri B. S. Arya: I beg leave to withdraw the cut motion.

The cut motion was, by leave, withdrawn.

DEMAND NO. 1—RAILWAY BOARD—*contd.*

Replacement of coaches of Ahmedpur-Katwa Railway and provision of amenities to passengers.

Shri Chattopadhyay (West Bengal): I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

I think this cut motion has been slightly misplaced. Looking into the number of demands, I find that it is more relevant in connection with Demand No. 10 because the subject matter of this cut motion relates to some railway lines which are not run by Government railways but are managed by some of the companies. I had many occasions to travel on these lines in connection with my work but I have been surprised to find that the condition of these railways have remained as primitive as before. In spite of the change that has come over in the other railways, managed by Government, these Railways

have showed no marks of improvement. In many of the compartments there is no arrangement for water. There are no lavatories. The stations are also as neglected in all matters as they could possibly be. There are no lights on the platforms and no sitting arrangements anywhere. The booking windows are oftentimes very dark. In spite of all this bad management by these companies, I am really astonished why this Government has been providing a sum of Rs. 450,000 to run this bad show. It is high time that the Government should take over the management of these companies. These companies are incapable of serving any useful purpose. The trains are always very overcrowded. The volume of traffic, both of passenger and goods, has, for some years past, enormously increased; but there has not been any corresponding increase in the facilities and amenities which each and every passenger deserves. I would like the Government to examine the terms of contract with these companies and review the whole matter and if the companies fail to come into line with the railways run by the Government, the sooner these contracts are terminated, the better for the country and also for the passengers. I would not press my cut motion, but I would like to have an assurance from the hon. Minister as to what he is prepared to do in this matter. These companies have been very inefficient; but this matter has not been discussed in the House at any time. During the course of the general debate, Members have referred to various subjects but, strangely enough, this matter has escaped the attention of all. I would like to draw the attention of the hon. Minister to this urgent matter and I hope that the hon. Minister will do everything that is possible to bring improvement in the management of these lines. If the companies cannot bring about the desired change, it is high time that the Government should take over the management of these lines.

Shri Santhanam: The Ahmedpur-Katwa Railway is a light railway and the Government of India have powers only in respect of fixation of fares and safety of passengers. They can act only in an advisory capacity in other matters. Therefore, at present, we are not legally competent to direct them to do anything. We shall, however, bring all the complaints narrated by the hon. Member to the attention of the company and see what can be done.

The other question of final liquidation of these small companies and their absorption in the Indian Railway system, is a matter which has to be considered after we have been able to absorb and digest all the Indian State Railways. At present, we have got more than enough in our hands and I do not think the House will ask us to take any of these minor little bits and get into a sort of indigestion. Meanwhile, we shall try to do our best.

Shri Sidhva (Madhya Pradesh): What about bad management?

Shri Santhanam: We can only advise them as in the case of other private companies, textile and others. We do advise them. Till we get the powers, we will have to go on advising them.

Shri Chattopadhyay: I do not press my cut motion.

DEMAND NO. 4—WORKING EXPENSES—ADMINISTRATION.—*contd.*

Over-crowding on B. N. Railway.

Shri Jagannath Mishra (Orissa): I beg to move:

"That the demand under the head 'Working Expenses—Administration' be reduced by Rs 100."

I am afraid I cannot do justice to all my motions. However, I will only stand to request the hon. Minister to pay a visit to my part of the country, that is Puri in Orissa where he will find some relaxation and tranquillity and at the same time see for himself directly all the trouble that the passengers,

[Shri Jagannath Mishra]

flocking to thet pliace from every part of India, are undergoing both in the train while travelling and also at the railway station at Puri. When they are travelling, not only the third class carriages, but all the upper classes also are full and overcrowded. It is not an occurrence of one or two months. Puri is a place to which pilgrims from all parts of the country visit in all months. Particularly in the month of June, I would request the hon. Minister to visti this place so that he may see the conditions. Passengers have not even standing accommodation inside the trains. They stand on foot-boards. He can see how precarious their condition is, how dangerous it is to their lives and how many accidents occur. When they try to come back from Puri, they do not find any trains ready to take them back. For days together they have to wait. There is no sufficient accommodation in the waiting rooms to accommodate the thousands of pilgrims. They practically lie on open grounds. They are infected by cholera. You will find these waiting rooms very filthy and full of dust and no self-respecting man would even like to stand there for a moment.

Shri Tyagi (Uttar Pradesh): Is it Jagannath Puri?

Shri Jagannath Mishra: I would request the hon. Minister to see the misery of the passengers. Not only that. He can also see the plight of the licensed porters, how they are being harassed and how they are practically serving for ten days in a month gratis. They are loading and unloading parcels without any payment either from the contractor or from the station master, that is, the railway authorities. I do not know why this system of appointing porters through contractors is being followed. I ask why should not these porters be directly appointed by the railway authorities.

Shri Santhanam: I do not think I need reply to the difficulties about overcrowding. Already the hon. Minister of Railways has given an undertaking that he will do his level best to improve the conditions. I had arranged to visit the places mentioned by my hon. friend; but owing to the meeting of the Constituent Assembly, I had to cancel my visit. I hope to take the earliest opportunity to visit that place.

Shri Jagannath Mishra: I would request him to visit the place in the months of June and July during the car festival.

Shri Tyagi: When the Jagannath chariot is taken out, you can also wash your sins.

Shri Santhanam: I cannot make such long-distance programmes but as soon as possible, I shall try to arrange this tour.

About these licensed porters, we have trouble in either case. If we take them over directly, then there is the complaint that these porters are being ordered about by the Station staff and others, and there was actually a complaint to me about trouble in some of the stations of the G.I.P. Railway. If, on the other hand, we allow some labour contractor to do it and pay him, then this is the result. Really, it is one of our difficult problems because though from their own point of view these licensed porters deserve some sympathy, from the point of the passengers, I do not think they deserve so much sympathy. If they are exploited in one direction, they exploit the passengers in a far greater and worse fashion and whenever there is a crowd, you can trust these porters to fleece them. Anyway, we shall look into the whole question to see if we cannot evolve some reasonable order out of the various difficulties.

Shri Jagannath Mishra: I do not press my cut motion.

DEMAND NO. 15—CONSTRUCTION OF NEW LINES.—*contd.*

Restoration of Nilambur—Shoranur Line.

Shrimati Velayudhan (Madras): I beg to move:

"That the demand under the head 'Construction of New Lines' be reduced by Rs. 100."

Sir, the hon. Minister, Mr. Gopalaswami Ayyangar, gave me a tribute in referring to a speech which was delivered by another hon. Member of this Parliment.

An Hon. Member: Who?

Shrimati Velayudhan: Better infer. I must therefore compensate him for that. I pay him a great tribute for the exemplary budget that he has presented to us. But then I must demand certain concessions from him, *i.e.* the restoration of the Shoranur-Nilambur line. This was a line which was dismantled during the war and the necessity for the restoration of this line was brought to the notice of this house by means of cut motions and by representations by different Chambers of Commerce. The South Indian Chamber of Commerce passed a resolution asking for the restoration of this line. Then the Malabar Chamber of Commerce as well as the Cochin Chamber of Commerce also have recommended the restoration of this line, but so far nothing has been done. This line is mostly needed for the export of Malabar products. The mercantile community finds it very difficult to send out our products from the Malabar area. The Malabar products bring millions of dollars to our exchequer and so I hope the hon. Minister will realise the importance of restoring this line. I request that immediate steps may be taken to restore this line.

Shri Gopalaswami: I know that in my speech I referred to my hon. friend, Shrimati Dakshayani Velayudhan and said that her opinion of my budget was bound to be different from the opinion expressed by what she described as another hon. Member of this House. I see that my guess was right and my judgment was correct so far as her view of my budget is concerned. But so far as this particular matter of restoration of the Shoranur-Nilambur line is concerned, I can tell her straightaway that after the examination of the feasibility of restoring this line was completed, the matter was put before the Central Board of Transport who have sanctioned the restoration of this line, and that restoration will be taken up as soon as possible. If I have been unable to provide some amount for this line in the budget for 1950-51, it was due to the stringency of capital funds available during that year, but she may take it from me that as soon as conditions ease, this will be one of the restorations of dismantled lines that will be taken up by Government.

Shrimati Velayudhan: I do not press my cut motion.

Need for connecting Hassan—Mangalore—Malpe.

Shri Shankaraiya (Mysore): I beg to move:

"That the demand under the head 'Construction of New Lines' be reduced by Rs. 100."

The necessity for this line has been felt for a very long time. Mysore which is industrially progressed has felt the absence of a connecting link in the West Coast with a harbour, and for that purpose for a very long time the Mysore State has been agitating. Unfortunately it could not achieve it. No less a person than Shri M. Visveswariah tried to get this done but he could not achieve it either. Now the necessity for this line is felt all the greater in view of the fact that the Port Committee appointed by the Government of India, have, I learn, recommended the development of Malpe as a harbour. Mysore

[Shri Shankaraiya]

has been feeling the necessity for a harbour in the West Coast for a long time for purposes of her trade and industry. Besides, the trade of Mysore, trade in the whole of that area will greatly improve by the construction of this line. For example, coffee is grown on the West Coast; tea is grown; cardamom is grown; rice is grown. For the transport of these things, there has been no railway link in this area, particularly in the Malnad area, and the hilly area. Practically all the transport there has been taking place through lorries, and in view of the shortage of petrol and other things, much of the trade has been localised and there has been no scope for the expansion of trade. Particularly the timber trade has to a great extent been handicapped. Now, if the railway line is constructed there many of the lorry accidents could be avoided and the industry as well as trade in the particular locality could be given a great impetus. Not only Mysore State will be benefited, but Madras and also Bombay will be benefited by this. Now that Malpe harbour has been recommended to be developed in the West Coast to relieve the strain on the Bombay Harbour, it is urgently necessary to connect the railway lines between Mysore and Mangalore or Hassan and Mangalore. This line is only 100 miles long. I hope Government will take into consideration the need for encouraging industry and trade, particularly trade connected with timber, coffee, pepper, cardamoms and other things and undertake this line immediately. I urge the acceptance of this undertaking and very early too.

5 P.M.

Shri Santhanam: This question is linked with the question of the development of a major port in the West Coast between Cochin and Marmagoa. As the hon. Member knows an expert committee has reported about this and recommended Malpe for the port and suitable railway connection. The actual railway links they have proposed are somewhat different and not Hassan and Mangalore. After considering all the details in that connection, the Central Board of Transport and the Standing Committee of this House came to the decision that for two years this question has to be postponed for financial reasons. Meanwhile the question of Mangalore also will have to be more thoroughly investigated. Some measurements are to be taken and a model has to be constructed at Poona to find out the possibilities of making Mangalore a port. When we come to a final decision the railway link will have to be fashioned in accordance with that decision so that the industries of Mysore can find the shortest lead to the sea. At present, if we build the Hassan-Mangalore railway, when Malpe becomes a major port, it will be a long lead and it will become uneconomic for Mysore industries to take their goods to Malpe. It is a matter which involves expenditure of crores and crores of rupees and we cannot afford to take any hasty step. Therefore, as soon as the question of the major port is decided this question will also become automatically decided, because there cannot be a major port without proper railway connection. The two decisions will have to be taken together and will be taken together. Meanwhile some relief will be coming to the regions mentioned by the hon. Member by the improvement of the west-coast Road which we have already sanctioned as a semi-national Highway Scheme.

Shri Shankaraiya: I do not press my cut motion.

The House then adjourned till a Quarter to Eleven of the Clock on Thursday, the 2nd March, 1950.